

Vol. 3 No. 8  
April 4, 1975

Mrs. Thomas Brasher  
Legislative Director

### CONSTITUTIONAL REVISION

On April 1 the Senate passed on second reading and then voted to suspend the rules and pass on third reading SJR 11 by Gammage which is the 10 article amendment to revise the Constitution. Articles II, III, and IV (Separation of Powers, Legislative and Executive) were passed as a unit. The Legislative article provides for limited annual sessions and a salary commission. The Executive gives the governor removal powers for cause subject to Senate approval, and provides for review of State agencies. Article V, Judiciary, after debate and proposed amendments, was adopted. It provides for a unified judicial structure; courts (except J.P.) funded by the state and all judges (except J. P.) shall be lawyers. Article VI, Voter Qualifications and Elections, passed without an amendment by Jones of Abilene which would have made felons who have served their terms or probation "subject to such exceptions as the legislature may make." This article passed to engrossment 17-11 with Andujar, Braecklein, Creighton, Hance, Jones, Lothmann, Longoria, McKinnon, McKnight, Mengden, and Moore voting nay.

The Finance Article, VIII, was passed without an amendment by Mengden of Harris which would have limited welfare spending. Local Government, Article IX, passed without amendments and by the largest majority, 28-2, with Longoria and McKnight voting nay. Article X, General Provisions, passed with a "right to work" amendment, which was proposed by Mengden of Harris. Article XVII, mode of amending, was amended by McKnight to require a 2/3 rather than majority vote of a convention to submit a document to the people. All the articles passed third reading by the required 2/3 majority with Creighton, Harris, Klothmann, Longoria, McKinnon, McKnight, Mengden, and Moore usually voting nay, although some of these senators did vote yea for some articles. League observers were amazed at how efficiently the Senate acted on SJR 11!

### ERA OR BUST!

Don't let up on the letters and contacts with your legislators and with members of the Constitutional Revision Committee in the House. HCR 57 by Hilliard, Mayes, Mankins, Dramberger, and Vick will definitely be heard in the CRC of the House on April 14. Ask them to keep it in committee or send it to a subcommittee.

Since all the state board members and most local League presidents and other delegates will be at State Convention in El Paso at this time, we ask that you try to get as many other members who are not going to Convention to Austin to attend the hearing, opposing HCR 57. Some Leagues are already planning busloads to be there on that day. Make every effort to encourage your members to go to Austin. Ellen Mendoza from Houston will testify for the League in favor of ERA on April 14.



SCHOOL FINANCEHB 1715 by Truan and Johnson

This bill uses the weighted pupil approach to allocate foundation funds and sets the value of 1.00 at \$700 rather than the \$635 figure in the governor's plan. A fulltime student is one in average daily membership. The bill mandates a minimum beginning teacher's salary of \$800 per month. State aid is provided for school construction, other capital expenditures, and start-up equipment for new vocational education classrooms. The comptroller and tax board are delegated responsibility for improving the administration of the property tax. The calculation of the local districts required share of the program is similar to HB 1083, estimated to be 60¢ per \$100 valuation. (See Newsletter #6) "Enrichment" is equalized up to 20% beyond the foundation program with the state and district sharing the cost. The bill would limit additional local "enrichment" to 5% of a district's foundation entitlement.

What's happening in school finance

The House subcommittee drafting a new bill met March 31 and April 1 and decided to approach their work, as the full committee did, by considering issues rather than proposed bills. Transportation was the first issue taken up and tentative approval was given to a general transportation formula--the Commissioner of Education would be given responsibility for developing a formula using areal and linear density. Massey said he would consider giving the subcommittee several additional days to draft a bill beyond the April 7 deadline he set last week. Tentative figures, showing total state and total local costs were prepared for the subcommittee by the Texas Education Agency for the 5 proposed plans. These figures indicate that HB 1083 and HB 1715 would require substantially larger amounts of local funds to finance the foundation program. But both plans "capture" a significant amount of the money now spent for "enrichment" and require that it go to an improved foundation program. Therefore the need for the local district to enrich the foundation program will not be so great.

The figures being given by TEA are very rough estimates and are being disputed by all. If your school district(s) has done some costing out of the various plans, please send that information to your legislator and to the Legislative Office!

ELECTION LAWSHCR 29 by Harris, Vale, Nichols, F. Green, R. Green, Bigham, Denton, Miller, and Blake

Creating a special interim committee of both houses of the legislature to be known as the Texas Election Code Revision Committee; was adopted in committee April 1. Rep. Pete Laney of Hale Center moved passing the resolution out to the House, where it will be voted on. There were no objections among committee members.

An analysis of this resolution was in Newsletter #6. The LWV/T is supporting this measure. You may write your legislators asking for support (except to those co-sponsoring the resolution).

HB 363 by Fox, Harris, et al (No position)

This measure, which would have eliminated the "Johnson" provision allowing a person to run for two offices in the same election, was tabled in the House Elections Committee April 1.

HB 543 by Harris, et al, and HB 301 by Pentony

These bills were also heard in the House Elections Committee on April 1. Both deal with the conducting and financing of primary elections to be held jointly by all parties. The analysis for HB 543 was in the last Newsletter, and the League is supporting both these bills



which are similar in concept. Fumi Sugihara wrote testimony in support of these bills, and it was delivered by Capitol Corps observer Fran Johnston. It was pointed out by Rep. Pentony that one of these bills will have to pass, as the last primary bill is no longer in effect. Harris' bill was passed out of the Elections Committee last session but did not get a vote on the floor. Rep. Harris, in speaking for his bill, said that he felt that Republicans in counties with no primaries may some day file suit so that the state will have to do something to allow primaries for all parties.

Following is an excerpt from the State League's testimony:

If we want more voters to participate not only in electing their representatives and leaders, but in nominating them through the party system, we are going to have to improve the administration of party primary elections. Elections are too important to leave in the hands of well-meaning, but too often inexperienced county chairmen who, through simple ignorance of election procedure or unfamiliarity with recent legal rulings, may violate a voter's rights, or at the very least, plant doubt in his mind about the integrity and efficiency of the operation. The League believes that primary elections, like all elections, should be conducted by persons whose expertise and reputation for fairness are unquestioned. This is one of the major reasons for our support of these bills providing for joint primary elections.

Under the supervision of the secretary of state and the direction of the county primary election board, the county clerk should be able to conduct a joint primary election without difficulty. These bills provide for mandatory training of the poll workers which the League believes is essential for good elections. It also requires the printing and distribution of manuals for the guidance of the election board and county clerk as well as the presiding judges and clerks.

While we do not predict vast savings in cost, we can predict greater efficiency and service to the voter...

The bills were referred to a subcommittee to be named by the chairman at a later date.

#### HB 784 by McBee

The minimum number of registered voters in an election precinct is changed from 100 to 50. In counties of less than 50,000 population according to the last federal census, the commissioners court may establish one or more election precincts of less than 50 voters upon the petition of 25 or more registered voters within the county.

The 63rd Legislature changed the minimum number from 50 to 100, but rural voters objected. Some had to travel far to vote. Our proposal to let people in remote areas vote absentee was turned down because holding a precinct convention is very important in the rural precincts (some of which have only 12 voters). Our objections to this bill are: (1) the cost per vote is large and (2) violations of the secrecy of the ballot is frequent with so few people voting. People are actually discouraged from voting because of this threat.

The bill was heard in committee March 10 and passed the House on March 20. It was referred to the Senate State Affairs Committee.

#### HB 1091 by G. Jones Endorse

This bill is co-sponsored by R. Green, Mattox, M. Garcia, Nichols, Harris, Reyes, and Caraway. It does away with the requirement for an affidavit that a voter's registration certificate has been lost when the voter requests a replacement. A person who makes an application for a replacement certificate knowing the application to be false is guilty of a class B misdemeanor.



This bill is similar to a provision in SB 300 (HB 849) amending the registration law. SB 300 substitutes the words "signed statement" for affidavit and does not specify the class of misdemeanor.

We feel that anything would make replacement of certificates easier for the voter should be encouraged.

This bill was heard in the Elections Committee on March 10 and referred to a sub-committee.

HB 316 by Washington

Persons on active military duty may choose to claim his residence as his home before active duty status or where he is living while on active duty. As it is now, persons cannot claim as his residence the place he is living while on military duty.

Also provides that a student may choose whether to claim his residence to be where he is living while attending school or where his home was before becoming a student. At present a student cannot consider the place he is living as a student while attending school as a bona fide residence unless he intends to remain there as his home indefinitely after he ceases to be a student.

This bill was heard in the Election Committee on March 10 and was reported from committee favorably without amendments.

HB 133 by Hilliard SUPPORT

Requirement for voting absentee in the presence of a notary or a person authorized to administer oaths is eliminated in this bill. It is still in committee and has not had a hearing (see Newsletter #4).

SB 351 by Ogg (Same as HB 542)

This bill, permitting voters confined in jail to vote absentee, is in the Senate State Affairs Committee.

HB 542 by Harris, R. Green, Watson, Nichols, Bigham

This bill makes Texas law conform with the U. S. Supreme Court ruling (O'Brien vs. Skinner) permitting certain qualified voters confined in jail to vote by absentee ballot. According to this bill, a voter confined in jail is entitled to vote absentee if at the time of applying for an absentee ballot, he is (1) serving a misdemeanor sentence which extends through election day, (2) being held for trial after a denial of bail, (3) being held without bail pending the appeal of a felony conviction; or (4) being held for trial or pending an appeal on a bailable charge, but expecting not to be released on bail by the date of the election.

This bill was heard in the House Elections Committee on March 10. Rep. Weddington amended the bill to allow those over 65 to vote by mail, which was approved by all committee members present and was passed back favorably to the House.

Rep. Weddington had requested to sign as co-author HB 1109 by Allen which would have allowed voters who will be 65 years of age or older on the day of the election to vote absentee, either by personal appearance or by mail. Even though many voters 65 years of age or older may be insulted by the assumption that they cannot go to the polling place themselves, there are others who no longer drive and otherwise find it difficult to get to the polling place on election day. This provision was incorporated into HB 542. However, we feel that some kind of safeguard or proof of identity should be required--a social security number or driver's license number, for instance. A comparison of signature would work if we had a registration system requiring personal signatures on applications so that checks on identity could be made in cases of doubt or when an applicant's eligibility is challenged.



Although we agree that physician's certificates and notarizations are burdensome and unfair, we still feel that some proof of identity should be required. Therefore we are only supporting part of this bill and are working for amending it to include safeguards. Since the bill will be coming to the floor for a vote, suggest to your legislators that we support the original bill (HB 542) but feel that the amendment added in committee should include safeguards.

HB 958 by McBee OPPOSE

The requirement that a certificate of sickness or disability accompany an application for absentee ballot is eliminated. Only a statement of sickness, physical disability, expected absence from the county, or religious belief is required.

This bill offers no safeguards against those who want to stuff the absentee voting box. Combined with by-mail registration, no requirement for the voters signature on the registration application, lack of control over the mailing of absentee ballots within the county to any registered voter who claims illness can lead to fraud. While a physician's certificate may not be necessary, there should be some way to check that (1) the voter actually exists, and (2) the voter cannot vote in person.

SB 281 by Clower

Part of this bill is similar to HB 958, above, eliminating the physician's certificate. In addition, it provides that the clerk for absentee voting must send a deputy to any hospital, nursing home, retirement home, or similar institution at the request of the administrator so that patients or residents of that institution may vote during the period for absentee voting by personal appearance. The clerk is required to perform this duty once for each election.

The provision for a deputy to go to nursing homes to conduct absentee voting by personal appearance also needs safeguards. At least two deputies should conduct the absentee voting and conditions of privacy and ballot security must be strictly maintained. Or poll-watchers of opposing interest should be present. Therefore the time and place deputies are to go to these institutions must be publicized at least 72 hours in advance.

In general we support absentee voting for those over 65 or those who are sick and disabled, but it is difficult to support these bills that permit absentee voting without some safeguards, as instances of abuse have recently been pointed out to us--such as coercion.

HB 1493 by Jones

This is a clean-up bill drafted by the Secretary of State's office and contains many different provisions that had to be altered because of court decisions or federal law. Alterations having to do with absentee voting follow:

1. Persons confined in prison who have not been convicted of a felony may vote by absentee ballot.
2. Provisions about which voters may receive assistance are clarified.
3. Giving of false information on an application for an absentee ballot is a misdemeanor.
4. Deadline for mailed absentee ballots in a county-wide and other elections where a special canvassing board counts the ballots is still 1:00 p.m. on election day, except when the offices of President and Vice-President of the United States is on the ballot. Then the official deadline is the closing of the polls.
5. Requirement for notarization of an absentee ballot is eliminated.
6. A person who moves out of the state may vote by absentee ballot for offices of President or Vice-President if he has not resided in the new residence for 30 days and will not be eligible to vote in the state in which his new residence is located.
7. For the first 60 days after moving from one county to another, a voter may vote a limited ballot. He may vote for all state offices and for district offices (if the new residence is within the same district). Between the 61st day and 6 months after the move he can vote a limited ballot if he has not been registered in the county of his new residence for 60 days on the day of the election.



ENVIRONMENTAL QUALITYHB 1222 - The Texas Water Plan

The Natural Resources Committee Tuesday night, April 1, unanimously approved HB 1222, by Tom Massey of San Angelo, authorizing the Texas Water Development Board to sell \$800 million worth of bonds in a proposed expansion of the Texas Water Development Fund - by motion from Ed Watson of Deer Park.

The legislation will take effect only if the bond limit is raised by passage of the constitutional amendment proposal HJR 67 by Massey or SJR 49 by Sherman, explained in NL #5.

Money from the water fund would be used to finance reservoirs in Texas over the next 5 years and is part of the plan for development of Texas water resources set forth in the Texas Water Plan. The plan includes the proposed importation of water to the Texas High Plains through a series of canals more than 1,000,000 miles long, a project which would cost \$20 to \$30 billion.

This bill, which is enabling legislation in the event the voters approve the constitutional amendment, provides that the TWDB may from time to time issue and sell general obligation bonds to the full extent authorized by the constitutional resolution not to exceed \$800 million, when added to the principal amount of outstanding bonds, at any one time.

Upon direction by the TWQB, the TWDB by resolution from time to time shall provide for the issuance of additional negotiable bonds in an aggregate amount not to exceed \$100 million. (This additional provision is ambiguous and by press time we were unable to get an explanation.)

HCR 98 by Jim Nugent

This resolution requesting Gov. Briscoe to initiate discussions and negotiations with other states "relative to the possible importation of their surplus water to Texas" was also approved at this hearing, April 1.

This resolution is a product of the Governor's Water Resource and Conservation Task Force, aimed at paving the way for importation of water from the Mississippi River.

The resolution would allow the Gov. to follow up earlier informal discussions held with Louisiana officials on the possibility of obtaining rights to excess Mississippi water, and keep the Texas Legislature informed of the progress of these negotiations and "advised of any legislative action required to implement an importation program deemed essential to the long-range interests of Texas."

The Natural Resources Committee is chaired by Tom Craddick of Midland; vice-chairman Tony Dramberger of San Antonio. Other members present at the hearing were Close, Peveto, Tanner, Watson, Massey, and Simpson. There was no testimony at the brief hearing although there were a number of people ready to testify for or explain anything if it was deemed necessary. No questions were asked.

HCR67 67 (same as SJR 49) IS SCHEDULED FOR A HEARING IN THE CONSTITUTIONAL REVISION COMMITTEE upon adjournment of the House on Monday, April 7. We regret that this Newsletter may not reach you in time to take action opposing this resolution, but Meg Titus, LWV-T Environmental Quality (Air & Water) Director will present testimony.

SB 636 by Sherman, which is the Senate version of HB 1222 by Massey (enabling legislation) was sent to the Senate State Affairs Committee and was also APPROVED WITHOUT HEARING WITNESSES.



## THE TEXAS LEGISLATURE

### HB 67 by Head and Mattox

Places restrictions on authority of conference committees appointed to resolve disagreements between the senate and the house of representatives, with regard to appropriations bills and tax bills, and limits their discussions and their actions solely to the matters of disagreement between the two houses. A conference committee may not change, alter, or amend, omit or add text on any matter which is not in disagreement in tax or appropriations bill. Limitations imposed in the bill may be suspended in part by permission of both houses to enable consideration of and action on a specific matter or matters which otherwise would be in violation of this article - by a recorded majority vote in each house. To take effect immediately upon passage.

On March 12, this bill was approved by a House vote of 101 yeas, 37 nays, and 12 not voting. It has not passed the Senate as yet. This same measure was also one of last session's "reform" measures which passed the House and was killed in the Senate. This restriction is currently in the joint rules and is a part of the House rules. Rep. Head has argued that inclusion in the statutes would provide a "more concrete basis" for fending off late-hour legislative ram-rodding of tax and appropriations measures. He said it would give all members of the House and Senate a greater voice and will involve them in appropriations and taxes. The opposition claims that each legislature has a constitutional right to adopt its own rules each session and that future legislatures should not be bound by statute.

The League supports the restriction of all conference committees to adjusting the differences in bills and resolutions; however, it is open to question whether each legislature's constitutional prerogative to govern its own procedures should be limited by conversion of some of the traditional rules into statutory law.

An exception to the restrictive rule, however, has been made in the case of constitutional revision review of articles of the constitution. Because of the complicated and inter-related nature of amendments to the constitution, the parliamentarian and the constitutional revision staff recommended the relaxing of the strict rule of construction imposed on other conference committees. This stipulation was embodied in Senate Concurrent Resolution 17 by Schwartz and Adams, as a part of the Joint Rules. Proponents of constitutional revision claim that this is the only way changes can be handled.

### Legislative Pay Raise - Ballot Issues

The legislative pay-raise issue will be back before Texas voters again in an April 22 special constitutional amendment election. It was sponsored in the House by Ben Munson of Denison (HJR 6) and in the Senate by John Traeger of Seguin.

If approved by the voters, the amendment will immediately raise the monthly salary for legislators from \$400 to \$600 and will raise the daily expense allowance from \$12 to \$30 during legislative sessions and allow a mileage allowance at the same rate provided by law for state employees. HJR 6, as amended, passed the House by a vote of 112 yeas, 23 nays, and 15 not voting. Approved by the Senate 21-8. Sen. Chet Brooks of Pasadena tried unsuccessfully during the debate over the proposal to remove the increase in monthly salary, arguing that if this small increase got voter approval, it would probably end hopes of getting a more substantial pay raise in the near future. If approved, however, it will be the first pay raise since 1960.

At a called meeting of the State Board in Austin on March 4 (Lobby Day), it was decided that since only two issues are to be on the ballot, we would not campaign for or against the salary proposal as it would seem as though by our silence on the other proposal that an opposite position may be implied, rather than that we have no position on the retirement raise.

Although our position calls for "adequate compensation for legislators," it also states that we support elimination of legislative salary amounts from the constitution, as we feel that an adequate amount will not be accomplished easily through periodic submission to the voters. To this end, we feel that legislation proposing a Legislative Compensation Commission would in fact accomplish the establishment of fair compensation statutorily, thus eliminating the stated amounts from the constitution.



# LEGISLATIVE NEWSLETTER

LEAGUE OF WOMEN VOTERS OF  
LEGISLATIVE DIVISION

Legislative Newsletter No. 8

- 8 -

April 4, 1975

HJR 6 was originally a proposal for creating a salary commission to recommend compensation and allowances for legislators, but was substituted on the House floor.

There are two proposals in the House, HJR 26 by Cartlidge and HJR 83 by McAlister, and one in the Senate, SJR 24 by Gammage and Ogg, which would create salary commissions; these proposals are still in Constitutional Revision committees.

The other constitutional amendment on the April 22 ballot will allow increased benefits for retired state employees and school teachers by letting the state increase from 6% to 10% its matching of employees salary deductions for retirement plans.

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The League of Women Voters of Texas  
Convention Comments, Final Edition  
No. 20, August 1, 1974

Interim Convention Office  
1104 Wayside Drive  
Austin, Texas 78703

Post-mortem. It takes at least two sides to create a stalemate, and the convention deadlock had three, plus a few individuals with their own causes. Basically there were (1) the delegates who wanted Right to Work (hereafter abbreviated to RTW) to be attached to the Constitution (on the Vote Wrap-Up they voted Yes on Resolutions 1, 11, 13, 20, 23, and 32) (2) the delegates who did not want to see RTW so attached (they generally voted Yes on Resolutions 2, 16, 19, 26) and (3) the delegates who did not like the new constitution (they generally voted No). Many of the RTW proponents professed a willingness to negotiate and drop RTW in exchange for several of the following:

1. Deletion of equal educational opportunity
2. Removal or clarification of SHEAF
3. Removal of right to health care
4. Prohibition of state income tax or referendum on it
5. Broadening of state's right to appeal
6. Removal of felon's voting rights
7. Removal of rights of handicapped
8. Inclusion of a welfare ceiling
9. Removal of mandatory homestead exemption from local governmental ad valorem taxation

Some, but not all, anti-RTW proponents said they would vote to include RTW as a separate submission if the CRC version of the Education Article, Sec. 1, could be included.

S&T Committee tried a number of resolutions on Saturday, July 27, (#14-22) using different combinations within the document and as separate submissions. On your Vote Wrap-Up, Resolution #19 was a package with issues to please conservatives, but no RTW submission. Resolution #20 was a conservative package with RTW designed to test the conservative strength. It was found that none of the packages could "fly" and S&T lapsed back into its more cautious and lethargic role of putting out one resolution a day. The resolutions for the last two days of the convention each had RTW included. Anti-RTW delegates grew bitter with S&T and with Daniel (they felt Daniel was directing S&T) for the strategy of placing the resolutions with RTW included to be voted on last so that the pressure was on anti-RTW delegates to change, rather than on RTW advocates. The votes were locked in by the last four hours of the convention. It was tense. The vote on Resolution #32 was 113 yes, 66 no at 9:40. Daniel retired to twist arms in his office while other delegates did it more visibly on the floor. At 11 p.m. Daniel returned and the motion to reconsider #32 passed 120 yes, 59 no. Gammage, Carl Parker, and Gene Jones, all stalwart labor people, spoke for the resolution. The final vote on #32 (in your Vote Wrap-Up) began at 11:40 p.m. It was 118 Yes, 62 No. Daniel held the vote open for 15 minutes hoping for those three votes. The strategy did not work. We do not have a Constitution to consider in November.

Is there a FUTURE for Constitutional Revision? Maybe. Numerous speakers proclaimed that a convention of the people should be called and Sen. Mauzy twice vowed to sponsor an amendment in the next legislature. Daniel and the staff met on July 31 to review the alternatives and to make plans for preserving the wealth of research material.



# SUMMARY OF RESOLUTIONS FOR VOTE WRAP-UP

- #1 July 11 86 ayes 91 nays  
(1) Basic Constitution as passed 3rd reading; Separate submissions: (2) Limited county home rule; (3) Legislative salary of \$8750--interlocked; (4) 4-yr terms--interlocked; (5) Pari-mutuel prohibition--interlocked; (6) Right to work--interlocked.
- #2 July 15 81 ayes 94 nays  
Basic Constitution with limited county home rule
- #11 July 17 96 ayes 65 nays  
Separate submission on right to work
- #13 July 26 96 ayes 78 nays  
(1) Basic Constitution with the following changes: (a) Higher Education Fund (HEFT) replaced SHEAF; (b) Prohibition on ad valorem tax except HEFT and state building fund; (c) Building Use fees extended 10 years; (d) Single appraisal changed from 1978 to 1977; (e) Court reappraisal changed from 1979 to 1978; HEFT delayed until 1979. Separate submissions: (1) Limited county home rule; (2) Pari-mutuel prohibition; (3) Right to work.
- #16 July 29 92 ayes 85 nays  
Basic Constitution as it appeared in #13; no separate submissions.
- #19 July 29 90 ayes 87 nays  
(1) Basic Constitution as in #13 except that exemption for elderly based on need. Transition schedule allows building use fee for 6 years; single member districts beginning in 1976; preserved other exemptions for elderly. Separate submissions: (2) Limited county home rule; (3) Pari-mutuel prohibition; (4) Four year terms (effective in 1976); (5) Limitation on state taxes; (6) Welfare ceiling.
- #20 July 29 94 ayes 84 nays  
(1) Basic Constitution as in #13 except (a) Education Art., Sec. 1 changed "provided" to "required" and (b) exemption for elderly based on need. Transition schedule allowed building use fees for 6 years and deleted provision allowing felons right to vote. Separate submissions: (2) Limited county home rule; (3) Pari-mutuel prohibition; (4) Four year terms effective 1976; (5) Right to work; (6) Two-thirds vote needed for income tax; (7) Welfare ceiling.
- #23 July 29 100 ayes 79 nays  
(1) Basic constitution as in #13 except drafting change in Executive Article Sec. 24(b) and exemptions for elderly based on need. Separate submissions: (2) Limited county home rule; (3) Pari-mutuel prohibition; (4) Right to work.
- #26 July 30 96 ayes 72 nays  
(1) Basic constitution as in #13 except a new section added to Finance Article which specifies that no retail sales tax could be placed on farm machinery, drugs, or foods.
- #32 July 30 118 ayes 62 nays  
(1) Basic constitution as in #26. Separate submissions: (2) Limited county home rule; (3) Pari-mutuel prohibition; (4) Four-year terms; (5) Right to work (using present statutory language instead of wording from convention); (6) Limitation on state taxes.



# FINAL VOTE WRAP-UP

Y, Yes; N, No; A, Excused Absence; -, Not Voting.

	#1	#2	#11	#13	#16	#19	#20	#23	#26	#32
Adams, D	N	Y	Y	Y	N	N	Y	Y	N	Y
Adams, H.	N	N	N	Y	Y	Y	Y	Y	Y	Y
Agnich	Y	N	Y	Y	N	N	Y	Y	N	Y
Aikin	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
Allen, Joe	N	Y	A	Y	Y	Y	N	Y	Y	Y
Allen, John	Y	N	Y	Y	N	N	Y	Y	N	Y
Allred	N	Y	-	N	Y	Y	N	Y	Y	Y
Andujar	Y	N	Y	Y	N	N	Y	Y	N	Y
Atwell	Y	N	Y	N	N	N	N	N	-	-
Bailey	N	N	Y	Y	N	Y	Y	Y	N	Y
Baker	N	Y	N	N	Y	Y	N	N	Y	N
Bales	N	-	A	N	Y	Y	N	N	Y	N
Barnhart	N	N	Y	N	N	N	N	N	N	N
Bigham	N	Y	-	Y	-	Y	N	Y	Y	Y
Bird	N	Y	N	N	Y	Y	N	N	Y	N
Blake	Y	N	Y	Y	N	N	Y	Y	Y	Y
Blanchard	Y	A	-	N	N	N	Y	Y	N	Y
Blythe	N	N	Y	N	N	N	N	N	N	N
Bock	Y	N	Y	Y	Y	N	N	N	N	Y
Boone	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Bowers	N	N	Y	N	N	N	Y	N	N	Y
Braecklein	N	N	Y	N	N	Y	Y	N	N	N
Brooks	N	Y	N	N	Y	Y	N	N	Y	N
Bynum	Y	Y	N	Y	N	N	N	Y	Y	Y
Caldwell	N	Y	N	N	Y	Y	Y	N	Y	Y
Calhoun	Y	N	-	Y	N	N	Y	Y	N	Y
Canales	N	N	-	-	-	-	-	N	N	N
Cates	-	Y	N	Y	N	Y	Y	Y	Y	Y
Clark	N	Y	n	n	Y	Y	n	n	Y	n
Clayton	Y	N	Y	Y	N	N	Y	Y	Y	Y
Clower	N	Y	N	N	Y	Y	N	N	Y	N
Cobb	Y	N	Y	N	N	N	Y	N	N	N
Cole	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Coleman	N	Y	N	N	Y	Y	N	N	Y	Y
Coody	N	Y	Y	Y	N	Y	Y	Y	Y	Y
Cooke	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
Craddick	N	N	Y	N	N	N	Y	N	N	N
Creighton	N	N	Y	N	N	N	N	N	N	N
Daniel	Y	Y	-	Y	-	-	-	Y	Y	Y
Davis	Y	N	Y	Y	N	N	Y	Y	N	Y
Denson	Y	Y	N	Y	Y	Y	N	Y	Y	Y
Denton	N	N	N	N	Y	Y	N	N	Y	N
Doggett	N	N	N	N	Y	N	N	Y	Y	Y
Donaldson	Y	N	Y	Y	N	N	Y	Y	-	Y
Doran	Y	N	Y	Y	N	N	Y	Y	N	Y
Doyle	Y	Y	N	Y	Y	N	Y	Y	Y	Y
Dramberger	N	Y	Y	Y	N	N	Y	Y	N	Y
Earle	Y	Y	N	Y	Y	Y	N	Y	Y	Y
Edwards	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Evans	Y	N	N	Y	Y	Y	Y	Y	Y	Y
Finnell	N	N	Y	N	N	N	Y	N	N	Y



	#1	#2	#11	#13	#16	#19	#20	#23	#26	#32
Finney	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
Foreman	Y	N	Y	Y	N	N	Y	Y	N	Y
Fox	N	N	Y	N	N	N	Y	N	N	N
Gammage	N	Y	N	N	Y	Y	N	N	Y	Y
Garcia	N	Y	N	N	Y	N	N	N	Y	N
Gaston	Y	N	Y	Y	N	Y	Y	Y	N	Y
Geiger	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
Grant	N	Y	Y	Y	N	Y	Y	Y	Y	Y
Green, F.	Y	N	Y	Y	N	N	Y	Y	-	Y
Green, R.	N	Y	N	N	Y	Y	N	N	Y	N
Hale	N	Y	N	N	Y	N	N	N	Y	Y
Hall, A.	N	Y	N	N	Y	Y	N	N	Y	N
Hall, W.	N	Y	Y	N	Y	Y	N	Y	Y	Y
Hanna	Y	N	Y	N	N	N	Y	N	N	Y
Harrington	N	Y	N	N	Y	Y	N	N	Y	N
Harris, E.	N	N	N	N	Y	N	N	N	Y	N
Harris, O.	Y	N	Y	N	N	N	N	N	N	N
Head	N	N	N	N	N	Y	N	N	Y	N
Heatly	A	N	A	N	N	N	N	N	N	N
Henderson	N	N	Y	N	N	N	Y	N	N	Y
Hendricks	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Hernandez	N	Y	N	N	Y	Y	N	N	Y	N
Hightower	N	Y	A	Y	Y	Y	Y	Y	Y	Y
Hilliard	Y	N	Y	Y	Y	N	Y	Y	N	Y
Hoestenbach	Y	N	Y	Y	N	N	Y	Y	-	Y
Hollowell	Y	N	Y	Y	N	N	Y	Y	-	Y
Howard	Y	N	Y	N	N	N	Y	Y	N	Y
Hubenak	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Hudson	N	N	-	-	Y	N	N	N	Y	N
Hutchison	Y	N	Y	Y	N	N	Y	N	Y	N
Johnson	N	Y	A	N	Y	Y	N	N	Y	N
Jones, Gene	N	Y	N	N	Y	Y	N	N	Y	Y
Jones, Grant	Y	A	Y	Y	N	Y	Y	Y	-	Y
Jones, L.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kaster	Y	N	Y	Y	Y	N	Y	Y	Y	Y
Korioth	Y	N	Y	Y	N	N	Y	Y	N	Y
Kothmann	N	Y	N	N	N	N	N	N	N	N
Kubiak	N	Y	N	Y	Y	Y	N	N	Y	Y
Laney	Y	N	Y	Y	N	N	Y	Y	N	Y
Lary	Y	N	Y	Y	N	N	Y	Y	N	Y
Lee	Y	N	Y	Y	N	N	Y	Y	N	Y
Leland	N	Y	N	N	Y	Y	N	N	Y	N
Lewis	N	N	Y	Y	Y	Y	Y	Y	Y	Y
Lombardino	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
Longoria	N	N	N	N	N	N	N	N	N	N
McAlister	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
McDonald, F.	Y	N	Y	Y	N	N	Y	Y	N	Y
McDonald, T.	Y	N	Y	Y	Y	Y	Y	Y	N	Y
McKinnon	N	N	Y	A	A	A	A	A	N	Y
McKnight	N	N	Y	N	N	N	N	-	N	N
Madla	N	N	N	N	Y	Y	N	N	Y	N
Maloney	Y	N	Y	Y	N	N	Y	Y	N	Y
Martin	Y	N	Y	Y	N	Y	N	Y	-	Y
Massey	Y	N	Y	Y	N	N	Y	Y	Y	Y
Mattox	N	Y	N	N	Y	Y	N	N	Y	N
Mauzy	N	N	N	N	Y	N	N	N	Y	N
Meier	N	Y	Y	Y	Y	N	Y	Y	Y	Y



	#1	#2	#11	#13	#16	#19	#20	#23	#26	#32
Lauhoff	N	Y	N	Y	Y	Y	N	Y	Y	Y
Mengden	N	N	Y	N	N	Y	N	N	N	N
Miller	N	Y	N	N	Y	Y	N	N	Y	N
Montoya	N	Y	N	N	Y	Y	N	N	Y	N
Moore	N	N	Y	N	N	N	N	N	N	N
Munson	Y	Y	Y	Y	N	N	Y	Y	N	Y
Murray	Y	N	-	Y	N	N	Y	Y	N	Y
Nabers	Y	N	Y	Y	N	N	Y	Y	N	Y
Newton	Y	N	Y	Y	N	N	Y	Y	N	Y
Nichols	N	N	N	N	Y	-	N	N	-	N
Nowlin	Y	N	Y	Y	N	N	Y	Y	N	Y
Nugent	Y	N	Y	A	Y	Y	Y	Y	N	Y
Ogg	N	N	-	Y	Y	N	Y	Y	Y	Y
Olson	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
Parker, C.	N	N	N	Y	Y	Y	N	N	Y	Y
Parker, W.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Patman	Y	N	Y	Y	Y	N	N	Y	Y	Y
Pentony	N	N	Y	N	N	Y	N	N	Y	N
Peveto	N	Y	N	Y	Y	Y	Y	Y	Y	Y
Poerner	Y	N	Y	N	N	N	N	N	N	N
Poff	N	N	N	N	N	Y	Y	N	Y	N
Powers	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
Presnal	Y	N	Y	Y	N	N	N	Y	N	Y
Preston	Y	Y	N	Y	Y	N	Y	Y	Y	Y
Ragsdale	N	Y	-	N	Y	Y	N	N	Y	N
Reyes	N	Y	N	N	Y	Y	N	N	Y	N
Reynolds	Y	A	Y	Y	N	N	Y	Y	N	Y
Rodriguez	N	N	N	N	Y	Y	N	N	N	N
Rosson	Y	N	Y	N	N	N	Y	N	N	Y
Russell	Y	N	Y	Y	N	N	Y	Y	-	Y
Sage	Y	N	Y	Y	N	Y	Y	Y	N	Y
Salem	N	Y	N	N	Y	Y	N	N	Y	N
Sanchez	A	A	A	A	Y	N	N	N	-	N
Santiesteban	A	Y	N	Y	Y	Y	N	Y	Y	Y
Schieffer	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Schwartz	N	Y	N	N	Y	Y	N	N	Y	N
Scoggins	Y	N	Y	Y	N	N	Y	Y	N	Y
Semos	N	N	N	Y	N	Y	Y	Y	N	Y
Sherman, M.	Y	Y	Y	Y	Y	N	N	Y	Y	Y
Sherman, W.	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
Short	Y	N	Y	N	N	N	Y	N	N	Y
Simmons	Y	N	Y	-	N	N	N	N	N	N
Slack	N	-	-	N	N	N	N	N	N	N
Snelson	Y	N	Y	Y	N	N	Y	Y	N	Y
Spurlock	Y	N	-	Y	Y	Y	Y	Y	Y	Y
Sullivant	Y	N	Y	Y	N	N	Y	Y	N	Y
Sutton	N	N	N	N	N	N	N	N	N	N
Tarbox	N	N	Y	N	N	N	N	N	Y	N
Temple	N	Y	N	N	N	Y	N	N	-	N
Thompson	N	N	N	N	N	N	N	N	N	N
Traeger	Y	Y	Y	Y	Y	N	Y	Y	N	Y
Truan	N	Y	N	N	Y	Y	N	N	Y	N
Tupper	N	N	Y	Y	Y	Y	Y	Y	Y	Y
Uher	Y	N	Y	Y	N	N	Y	Y	-	Y
Vale	N	Y	N	N	Y	Y	N	N	Y	N
Vecchio	N	Y	N	N	Y	Y	N	N	Y	Y
Vick	N	N	Y	N	N	N	Y	N	N	Y



	#1	#2	#11	#13	#16	#19	#20	#23	#26	#32
Von Dohlen	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Wallace	N	N	N	N	N	Y	N	N	N	N
Washington	N	Y	N	N	Y	Y	N	N	Y	N
Waters	N	Y	N	N	Y	Y	N	N	Y	N
Watson	N	Y	N	N	Y	Y	N	N	Y	N
Weddington	Y	Y	A	N	Y	Y	N	Y	Y	Y
Whitehead	Y	Y	Y	Y	N	N	Y	Y	-	Y
Whitmire	N	Y	Y	N	N	N	N	N	N	N
Wieting	N	N	Y	Y	N	N	N	Y	N	Y
Williams	N	Y	N	N	Y	Y	N	N	Y	N
Williamson	Y	N	Y	-	N	N	Y	Y	N	Y
Willis	N	Y	N	N	Y	Y	N	N	Y	N
Wilson	Y	N	Y	Y	Y	N	Y	Y	N	Y
Wolff	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Wyatt	Y	Y	A	Y	Y	Y	N	Y	Y	Y
Bryant	N	Y	N	N	Y	Y	N	N	Y	N

The League of Women Voters of Texas  
Interim Convention Office  
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# Observer Corps Reports

Article IV

EXECUTIVE

JUL 15 1974  
July 11, 1974

## Positive

Sec. 2 (a) Four-year terms with governor limited to two. Statewide general elections to begin in 1978.

(b) Officers appointed by the governor with the advice and consent of the senate and serve at the pleasure of the governor.

(d) Method of removal acceptable.

Sec. 4. Governor may not serve a third consecutive term.

Sec. 5. Gubernatorial succession established.

Sec. 16 & 24. These sections grant the governor and the legislature adequate power to develop a more efficient and functional administrative system if they will but exercise their responsibility.

## Negative

Sec. 1. Too many elective officers.

Sec. 2. Separate votes are cast for governor and lt. governor.

Sec. 15. Governor's budget is limited to appropriations of the legislature which may or may not consider his submitted budget.

Sec. 20. Commissioner of the General Land office. Should be statutory and appointive.

Sec. 21. Treasurer and Commissioner of Agriculture should remain statutory.

Sec. 22. Railroad Commission. Should be statutory.

CONCLUSION: Taken as a whole, the article is good; has some strong positives. Especially in time of election and terms of office, removal of appointees and reorganizational planning to improve administrative efficiency and agency control. If this power exercised, state government could be greatly improved in economy as well as efficiency.

The weaknesses remain in the lengthy ballot, an elective executive branch not under control of the governor; his lack of budgetary control and constitutional protection of Commissions that might better be statutory.

The greatest weakness is too many elective offices; although best qualified seems better, do we really get best qualified even with a Merit System?

Gerry Cook

Barbara Vackar



2

JUDICIARY

I recommend support of the judiciary article though I have some specific reservations.

Rationale for favorable recommendations:

1. Merger of top two courts corresponds with LWV position of single system of courts.
2. Sec. 7 on court administration is great improvement. "The Supreme Court shall provide for the efficient administration of the judicial branch." The use of "branch" allows administration of all courts, whereas use of "system" would have precluded administration of County, JP, and municipal courts. The proviso for transfer of cases is great.
3. Section 7f on rules of procedure, even though criminal rule-making is not granted to Supreme Court, may be flexible to provide for criminal rule-making in future due to phrase "except as provided by law."
4. At first glance we seem to have lost ground in county court area, and the section certainly does not correspond with preferred court of record, lawyer criteria. But the phrases "unless otherwise provided by law" and "jurisdiction as provided by law" may give flexibility for future.
5. Election of judges could possibly be nonpartisan under adopted language.

Reservations:

1. Separation of powers not preserved; legislature has too much control of judiciary.
2. JP section firmly entrenched; would take constitutional amendment to change.
3. Merit selection not possibility except through constitutional amendment.
4. Removal of judges section confusing; seems to give legislature extraordinary power.

In summary, judicial reform can begin with the proposed article and it is almost impossible for reform under the 1876 document. . . Court administration, the section which I view as most CRUCIAL to reform, is strong and has great potential for improving Texas justice.

Jean Bizzell



# OBSERVATIONS ON THE JUDICIARY

League positions in new Constitution:

## I. Single unified system

- A. Positive (1) Intermediate courts of criminal appeals.  
(2) Supreme court to hear criminal & civil.
- B. Negative (1) Intermediate & supreme courts to sit in sections. Will this lead to specialization? To contradictory opinions?  
(2) Circuit courts may be provided--not mandatory.  
(3) JP, county, and municipal courts exempted from unified system.

Negatives outweigh the positives.

## II. Centrally administered system.

- A. Positive (1) Provision for administrative agency  
(2) Supreme court may transfer cases laterally and vertically.
- B. Negative (1) JP, municipal, county courts exempted  
(2) "As provided by law" weakens administrative authority.

## III. Uniform fiscal policy.

- A. Positive (1) State pays all judges in unified judiciary.  
(2) State pays district attorneys.
- B. Negative (1) Doesn't rule out county supplements.  
(2) District courts still depend on counties to pay for reporters, secretaries, courtrooms.  
(3) JP, municipal, county courts exempted.

Negatives outweigh positives.

## IV. Uniform code of criminal and civil procedure formulated by supreme court with legislative approval.

- A. Positive (1) Appeals of criminal cases no longer have mandatory review.  
(2) Limited right of state to appeal.
- B. Negative (1) Civil code only unless provided by law.  
(2) JP and municipal courts not courts of record.  
(3) County court--no uniform reporting.

Negatives outweigh the positives.

## V. All members of the judiciary to be lawyers. Unified judiciary only--JP, municipal, and county judges need not be lawyers.

No improvement over 1876 document.

## VI. Assignment of judges to docket needs & special training.

- A. Positive (1) Central administration may alleviate overcrowding, providing administrative districts cooperate in assigning judges.  
(2) Elimination of specialized courts could speed up centralized docket as well as provide sensitivity in dealing with human problems.
- B. Negative (1) JP, municipal, and county courts not included.

Positive outweighs negatives.

(Dibrell)



VII. Justice of Peace Courts included in unified system and become courts of record. All negative.

1. JP and municipal courts are not courts of record.
2. County courts are not provided court reporters.

VIII. Merit selection of appellate judges. All negative. Most judges in unified system are at first appointed, then run on party ticket for convenience rather than issues. (In my opinion, this probably shouldn't be weighed too heavily.)

IX. Retirement--by law.

X. Removal of judges. Negative.

- (1) By address and 2/3 vote of both houses Chief Justice or Supreme Court justices may be removed.
- (2) Removal of any in judicial branch by law--very serious. Please read S&D comments on Section 10.

COMMENTS: The negatives far outweigh the positives in the major concerns of the judiciary as well as in most League positions. The Constitutional Convention, being legislators, seem to have weighted this article in their direction "by law" and seriously undermined the separation of powers. And, as in other articles, special interests get the major consideration--not the needs of the people. Power, profit, and property over the needs of the state in transition.

Jayne Dibrell



I guess we should be pleased to get the "compromise" wording on ex-felons' right to vote. However, the provision following that giving the legislature the right to pass additional limitations on voting by persons convicted of a felony means the League is going to have to be very vigilant in watching future legislatures.

The provisions permitting the legislature to require property ownership as an additional qualification will probably be inoperative--thus are excess verbiage. But even if such requirements were ruled to be constitutional they would probably have a limited impact as the word "property" has been broadly defined in Texas to mean almost anything.

Great to see no mention of Pauper Status!

Elections: I like the simple, flexible wording! It almost sounds like a Leaguer wrote it!

#### GENERAL PROVISIONS

General comments: Since the General Provisions committee received and studied 75 proposals, it's gratifying to see only 24 sections in the main article. Except for the Homestead and Retirement sections, most provisions are fairly concise. The extremely wordy retirement section is a great example of what should not be in a constitution--however all these "protections" may make the constitution more acceptable and passage easier.

Environment: The policy statement on environment can't be called bad--just weak. It certainly allows stronger legislation in the future! I'm pleased with the additional wording included in Conservation and Development of Natural Resources section, i.e.: "the conservation of the atmosphere" and "recycling" of wastes.

I also like the words "perpetual trust for the use and benefit of the people" in the section on Coastal Natural Resources.

Jan Albers

#### FINANCE

The Finance Article is a vast improvement over the 1876 Constitution. We would recommend support of the new constitution on the basis of the Finance sections.

Good aspects:

1. Most financial provisions are now in one article, and it is generally readable and understandable.
2. Taxation. The general statement on taxation is worded just as our consensus suggested.
  - a. Leaving out intangibles brings the constitution in line with taxation as it is practiced.
  - b. One county-wide appraisal according to state-wide standards and procedures is a real start toward standardization and greater equality in taxation.
  - c. Huge victory in not having a provision prohibiting a state income tax which would have cut off a widely used tax source and would have made the tax structure inflexible.



## Finance, p. 2

3. Appropriations provisions are in line with our consensus.
4. State Debt provisions are awfully detailed to speak to present abuses, but are in line with our consensus. Avoided putting any specific dollar ceiling in the constitution. Removing the prohibition against state debt helps in that we no longer "live a lie" and the need for frequent amendment to the constitution to allow debt will be avoided.
5. Public spending--the wording is in line with our consensus. \*The welfare ceiling is removed. Removal of prohibition of giving public funds to individuals will remove necessity for many of the amendments that were necessary in 1876 Constitution.

## Bad aspects:

1. Tax exemptions--They should have been statutory. The mandatory tax exemption for those over 65 will hurt local taxing jurisdictions in proportion to the number of elderly in their population.
2. Highway fund--Dedicated funds should be statutory. The effect may be mitigated a bit by increased flexibility with a petroleum refinery tax now available for the general fund.
3. PUF and SHEAF--Although they are in Education Article, must note that they are another minus in the state's financial structure. SHEAF doesn't even provide a particular revenue source.
4. Mass transit provision (now in Local Government) turned into a restriction on financing of mass transit by cities.

## Important issues not within League consensus and effect uncertain:

1. Special mode of taxing railroads and agricultural and timber lands.
2. Ad valorem tax appeals in trial de novo proceedings.
3. Prohibition against use of public funds to influence the election of any person.

The good things outweigh the defects in importance. In defense of the Convention, it must be remembered that the "non-political" CRC also caved in to the heavy lobbying for the dedicated funds and the tax exemptions.

Chris Stanford  
Susan Reid

## EDUCATION

Almost everything to be said about the Education Article is negative. ONE GOOD THING: Equal Educational Opportunity--As of today the phrase is still in. However, it has been discussed away to almost nothing if judges look into legislative intent. It does not apply to a school district's capital expenditures. The mandate for equal educational opportunity is explained as making it a "goal" and all language which might indicate that the Legislature must make it a reality has been resisted.

## Negative aspects:

1. Removed mandate in CRC to distribute state resources on basis of wealth of the state as a whole.
2. Removed mandate in CRC (and part of League consensus) to make educational programs responsive to the needs and abilities of all students.



3. Local enrichment is allowed, even with the recognition that it is inconsistent with equal educational opportunity. Although there is no ceiling on local enrichment and no restriction on the purposes for which it may be used, they did retain the phrase "consistent with general law" so there is the possibility that restrictions can be imposed in the future.
4. Per scholastic distribution of the Available School Fund provides for a flat allotment and makes this money unavailable for dealing with the financial inequities of school financing--it compounds the discrepancy.
5. PUF and SHEAF--Although the League took no stand on these funds during the convention, our recent Finance consensus states that all dedicated funds should be statutory.

If the Education Article is passed as is, we can live with it. If the Convention tampers with Section 1, then the new article is no better than that in the 1876 Constitution.

#### LOCAL GOVERNMENT

Article 9. While it lacks some of the provisions the League would like to have, this article still has enough flexibility in it to make local government much more responsible to the local people.

The negatives are:

1. Special districts--They are not eliminated. Their power will actually be determined by the legislation governing them--a good place for the League to do some effective lobbying.
2. Tax rate limitations--These are in the constitution but do not include debt service. Debt service limitation will be determined by the legislature.
3. No true home rule for counties--Constitutionally elected officers plus the tax rate limitation prohibit counties from having the same autonomy as cities.

The positives are:

1. Ordinance making power for county government. While this too will depend on legislation, I am firmly convinced that this provision can do more for saving the environment and the quality of life than any other in the constitution. It is a giant step forward and offers a real challenge to local Leagues to see that this power is granted, i.e., that the people vote for it.
2. Limited home rule--While not debated, this offers the possibility of eliminating statutory officers and enabling the county government to offer services such as dumps, etc.
3. Provision for eliminating and adding county offices even if the combined jobs must be elective. At least the county doesn't have to fill an unessential position with a do-nothing body.

Probably the best way to describe the article is to say that it offers the possibility of flexibility that the League feels is necessary for good local government. We wish it offered more, but it may pass under this form while the "courthouse gang" would certainly defeat a stronger statement.



The medium-sized towns and counties will probably benefit more from this provision than any other, particularly if they still have a growing population.

Wanda Allen  
Phyllis Manna

#### LEGISLATIVE ARTICLE

At this point in constitutional revision we who observed the legislative article from the beginning are very pleased with the over-all results. This committee had special pressures not only from lobbies but from their fellow delegates and the governor. We are especially pleased with annual sessions (after the primaries were over!) and removal of salaries from the body of the article. In light of a lot of the testimony before the committee these two changes are a minor miracle. We were disappointed with the weakened ethics section, but again it is a workable compromise compared with some of the suggestions that were made. The VETO SESSION was an interesting compromise, too. We were happy with the strong statement for single member districts.

The alternate proposals are most distressing to us. If this is passed in November and implemented January 1, 1975 with four-year terms for house members, we feel it was a dirty trick to play on the voters because they did not know of this in May and November of 1974. The salary alternate is completely unacceptable.

We feel that the intert of the local and special laws sections was that they were not open-ended. Over-all we feel that the League can support the Legislative Article as written and work against the alternate proposals.

Barbara Nobles

Note: Comments by Grace Schmitt on Education Article. M. L.



The League of Women Voters of Texas  
Convention Comments  
No. 19, July 19, 1974

Interim Convention Office  
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Austin, Texas 78703

Stalemate, Standoff, or Stall. No Comments have been published these last two weeks because there has been little visible progress in passing a constitution out of the convention. Delegates seemed filled with a spirit of compromise when they voted affirmatively on each article that last week in June. The July 4 recess gave them an opportunity to recall the issues they lost, and they returned to Austin ready to reopen controversial issues.

First Vote. As promised, S&T gave the delegates Resolution #1, which was the Constitution, 5 separate proposals, a transition schedule, an explanation of the articles, a side-by-side comparison of the proposed constitution with the 1876 document, and proposals for publicity. The entire package was voted down 86-91. Delegates spoke of opposition to right-to-work, equal educational opportunity, and the PUF and SHEAF funds.

Second Vote. After hearing testimony over the week-end from delegates, S&T sent out Resolution #2, which comprised the body of the constitution and the separate proposal on Limited County Home Rule. This package failed 81-94. There were 104 changes from the previous vote. Generally the right-to-work proponents voted aye on the whole package the first vote and nay on the second when the separate submission was not included with the main document.

Third Vote. Next S&T tried sending the five separate submissions to the floor to be voted on individually. Legal problems have been raised on whether the convention can amend both the proposed constitution and the 1876 document, and so each separate submission would have amended only the new constitution. Each failed to reach the 121 votes by the following votes: (1) Limited County Home Rule 119-36; (2) \$8750 Legislative Salary 49-103; (3) Four-year House terms 73-87; (4) Pari-mutuel Wagering Prohibition 103-65; and (5) Right-to-Work 96-66. The two legislative proposals were found to be the weakest vote getters and are the most likely to be dropped.

Fourth Vote. The convention will convene July 22 to vote on Resolution #12, which consists of (1) the Constitution with a new Education Article Section 9 which substitutes the 10¢ per \$100 valuation state ad valorem tax for the SHEAF fund. A state ad valorem tax other than for higher education and state buildings is prohibited and in the transition schedule the prohibition of building use fees is deferred 10 years. (2) Limited County Home Rule; (3) Pari-mutuel prohibition; (4) Right-to-Work. The three separate submissions amend only the proposed constitution.

Submission and Transition. There are two main theories on how the committee should proceed to get 121 votes, and the committee vacillates without a clear sense of direction. Theory #1 is that delegates will not vote aye until the time has run out (July 30), and until they are certain that it is impossible to make changes they would like to see. Sen. Wallace testified that he voted nay each time because he wanted to be in on the compromises and he felt that if he had voted for the constitution he wouldn't be consulted. According to this theory, S&T might as well stall and let the pressure build. When the time has run out, they can send out a package and the convention will have to pass it. Theory #2 is that the constitution is in deep trouble and that many compromises will be necessary. Rep. Hale subscribes to this theory and advocates having the committee send out 3 or 4 resolutions each day and then study the voting patterns to arrive at a plan of compromise that will muster 121 votes. S&T is under great pressure and swings back and forth on sending out many separate items for test votes or on constructing (slowly and deliberately) a package deal perhaps coupled with a sine die resolution.

Equal Educational Opportunity. This section has been cited as top priority for deletion by many delegates, but so far S&T has backed off from making a change. Of the 15 committee members, 10 voted for equal educational opportunity, and so 2/3s are personally committed to its inclusion. Also the feeling has been that to tamper with Section 1 would







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Austin, Texas 78703

JUL 22 1974

Stalemate, Standoff, or Stall. No Comments have been published these last two weeks because there has been little visible progress in passing a constitution out of the convention. Delegates seemed filled with a spirit of compromise when they voted affirmatively on each article that last week in June. The July 4 recess gave them an opportunity to recall the issues they lost, and they returned to Austin ready to reopen controversial issues.

First Vote. As promised, S&T gave the delegates Resolution #1, which was the Constitution, 5 separate proposals, a transition schedule, an explanation of the articles, a side-by-side comparison of the proposed constitution with the 1876 document, and proposals for publicity. The entire package was voted down 86-91. Delegates spoke of opposition to right-to-work, equal educational opportunity, and the PUF and SHEAF funds.

Second Vote. After hearing testimony over the week-end from delegates, S&T sent out Resolution #2, which comprised the body of the constitution and the separate proposal on Limited County Home Rule. This package failed 81-94. There were 104 changes from the previous vote. Generally the right-to-work proponents voted aye on the whole package the first vote and nay on the second when the separate submission was not included with the main document.

Third Vote. Next S&T tried sending the five separate submissions to the floor to be voted on individually. Legal problems have been raised on whether the convention can amend both the proposed constitution and the 1876 document, and so each separate submission would have amended only the new constitution. Each failed to reach the 121 votes by the following votes: (1) Limited County Home Rule 119-36; (2) \$8750 Legislative Salary 49-103; (3) Four-year House terms 73-87; (4) Pari-mutuel Wagering Prohibition 103-65; and (5) Right-to-Work 96-66. The two legislative proposals were found to be the weakest vote getters and are the most likely to be dropped.

Fourth Vote. The convention will convene July 22 to vote on Resolution #12, which consists of (1) the Constitution with a new Education Article Section 9 which substitutes the 10¢ per \$100 valuation state ad valorem tax for the SHEAF fund. A state ad valorem tax other than for higher education and state buildings is prohibited and in the transition schedule the prohibition of building use fees is deferred 10 years. (2) Limited County Home Rule; (3) Pari-mutuel prohibition; (4) Right-to-Work. The three separate submissions amend only the proposed constitution.

Submission and Transition. There are two main theories on how the committee should proceed to get 121 votes, and the committee vacillates without a clear sense of direction. Theory #1 is that delegates will not vote aye until the time has run out (July 30), and until they are certain that it is impossible to make changes they would like to see. Sen. Wallace testified that he voted nay each time because he wanted to be in on the compromises and he felt that if he had voted for the constitution he wouldn't be consulted. According to this theory, S&T might as well stall and let the pressure build. When the time has run out, they can send out a package and the convention will have to pass it. Theory #2 is that the constitution is in deep trouble and that many compromises will be necessary. Rep. Hale subscribes to this theory and advocates having the committee send out 3 or 4 resolutions each day and then study the voting patterns to arrive at a plan of compromise that will muster 121 votes. S&T is under great pressure and swings back and forth on sending out many separate items for test votes or on constructing (slowly and deliberately) a package deal perhaps coupled with a sine die resolution.

Equal Educational Opportunity. This section has been cited as top priority for deletion by many delegates, but so far S&T has backed off from making a change. Of the 15 committee members, 10 voted for equal educational opportunity, and so 2/3s are personally committed to its inclusion. Also the feeling has been that to tamper with Section 1 would



lose as many votes as would be gained. Rep. Truan and Rep. Kubiak testified against any weakening of the section. Two proposals for alternative wording for Sec. 1 were submitted by Sen. Clower and were defeated in S&T. The matter is not dead as long as compromises are sought, so remind your delegates that we stand firmly behind equal educational opportunity and that we want it stated as a mandate and not as a goal.

Welfare Ceiling. S&T has shown no interest so far in following up on delegates' suggestions to put a ceiling on welfare spending. The issue comes up so often that it might be revived if S&T and the convention should panic in the last few days. Stand by on this one.

Transition Schedule. The following are some of the major provisions:

1. The Constitution is to take effect on Sept. 1, 1975.
2. The following provisions will be delayed in taking effect:
  - a. Redistricting of legislative and congressional seats--Jan. 1, 1981.
  - b. Provision for one appraisal body per county and implementation of standards and procedures for appraising--Jan. 1, 1978. (Or may be Jan. 1, 1977).
  - c. Provision that courts can issue orders equalizing property appraisals for all property owners within a taxing authority--Jan. 1, 1979.
3. The following provision will be accelerated:
  - a. All of the Legislative article (with the exception of Sec. 5 on redistricting) will be effective Jan. 1, 1975.
  - b. All of the Executive article will be effective Jan. 1, 1975.
4. Unless otherwise provided by law enacted after July 31, 1974, no person may be disqualified from voting because of a felony conviction unless incarcerated, on parole, or on probation.

LWV Convention Office. Our work continues as long as the convention meets, but our office on West 15th has closed down. Communication can be made (please do) to Susan Reid, at [REDACTED]

League of Women Voters of Texas  
Interim Convention Office  
[REDACTED]



## Positive

Sec. 2 (a) Four-year terms with governor limited to two. Statewide general elections to begin in 1978.

(b) Officers appointed by the governor with the advice and consent of the senate and serve at the pleasure of the governor.

(d) Method of removal acceptable.

Sec. 4. Governor may not serve a third consecutive term.

Sec. 5. Gubernatorial succession established.

Sec. 16 & 24. These sections grant the governor and the legislature adequate power to develop a more efficient and functional administrative system if they will but exercise their responsibility.

## Negative

Sec. 1. Too many elective officers.

Sec. 2. Separate votes are cast for governor and lt. governor.

Sec. 15. Governor's budget is limited to appropriations of the legislature which may or may not consider his submitted budget.

Sec. 20. Commissioner of the General Land office. Should be statutory and appointive.

Sec. 21. Treasurer and Commissioner of Agriculture should remain statutory.

Sec. 22. Railroad Commission. Should be statutory.

CONCLUSION: Taken as a whole, the article is good; has some strong positives. Especially in time of election and terms of office, removal of appointees and reorganizational planning to improve administrative efficiency and agency control. If this power exercised, state government could be greatly improved in economy as well as efficiency.

The weaknesses remain in the lengthy ballot, an elective executive branch not under control of the governor; his lack of budgetary control and constitutional protection of Commissions that might better be statutory.

The greatest weakness is too many elective offices; although best qualified seems better, do we really get best qualified even with a Merit System?

Gerry Cook  
Barbara Vackar



JUDICIARY

2

I recommend support of the judiciary article though I have some specific reservations.

Rationale for favorable recommendations:

1. Merger of top two courts corresponds with LWV position of single system of courts.
2. Sec. 7 on court administration is great improvement. "The Supreme Court shall provide for the efficient administration of the judicial branch." The use of "branch" allows administration of all courts, whereas use of "system" would have precluded administration of County, JP, and municipal courts. The proviso for transfer of cases is great.
3. Section 7f on rules of procedure, even though criminal rule-making is not granted to Supreme Court, may be flexible to provide for criminal rule-making in future due to phrase "except as provided by law."
4. At first glance we seem to have lost ground in county court area, and the section certainly does not correspond with preferred court of record, lawyer criteria. But the phrases "unless otherwise provided by law" and "jurisdiction as provided by law" may give flexibility for future.
5. Election of judges could possibly be nonpartisan under adopted language.

Reservations:

1. Separation of powers not preserved; legislature has too much control of judiciary.
2. JP section firmly entrenched; would take constitutional amendment to change.
3. Merit selection not possibility except through constitutional amendment.
4. Removal of judges section confusing; seems to give legislature extraordinary power.

In summary, judicial reform can begin with the proposed article and it is almost impossible for reform under the 1876 document. Court administration, the section which I view as most CRUCIAL to reform, is strong and has great potential for improving Texas justice.

Jean Bizzell



## OBSERVATIONS ON THE JUDICIARY

## League positions in new Constitution:

## I. Single unified system

- A. Positive (1) Intermediate courts of criminal appeals.  
Supreme court to hear criminal & civil.
- B. Negative (1) Intermediate & supreme courts to sit in sections. Will this lead to specialization? To contradictory opinions?  
(2) Circuit courts may be provided--not mandatory.  
(3) JP, county, and municipal courts exempted from unified system.

Negatives outweigh the positives.

## II. Centrally administered system.

- A. Positive (1) Provision for administrative agency  
(2) Supreme court may transfer cases laterally and vertically.
- B. Negative (1) JP, municipal, county courts exempted  
(2) "As provided by law" weakens administrative authority.

## III. Uniform fiscal policy.

- A. Positive (1) State pays all judges in unified judiciary.  
(2) State pays district attorneys.
- B. Negative (1) Doesn't rule out county supplements.  
(2) District courts still depend on counties to pay for reporters, secretaries, courtrooms.  
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Negatives outweigh positives.

## IV. Uniform code of criminal and civil procedure formulated by supreme court with legislative approval.

- A. Positive (1) Appeals of criminal cases no longer have mandatory review.  
(2) Limited right of state to appeal.
- B. Negative (1) Civil code only unless provided by law.  
(2) JP and municipal courts not courts of record.  
(3) County court--no uniform reporting.

Negatives outweigh the positives.

## V. All members of the judiciary to be lawyers. Unified judiciary only--JP, municipal, and county judges need not be lawyers.

No improvement over 1876 document.

## VI. Assignment of judges to docket needs &amp; special training.

- A. Positive (1) Central administration may alleviate overcrowding, providing administrative districts cooperate in assigning judges.  
(2) Elimination of specialized courts could speed up centralized docket as well as provide sensitivity in dealing with human problems.
- B. Negative (1) JP, municipal, and county courts not included.

Positive outweighs negatives.

(Dibrell)



VII. Justice of Peace Courts included in unified system and become courts of record. All negative.

1. JP and municipal courts are not courts of record.
2. County courts are not provided court reporters.

VIII. Merit selection of appellate judges. All negative. Most judges in unified system are at first appointed, then run on party ticket for convenience rather than issues. (In my opinion, this probably shouldn't be weighed too heavily.)

IX. Retirement--by law.

X. Removal of judges. Negative.

- (1) By address and 2/3 vote of both houses Chief Justice or Supreme Court justices may be removed.
- (2) Removal of any in judicial branch by law--very serious. Please read S&D comments on Section 10.

COMMENTS: The negatives far outweigh the positives in the major concerns of the judiciary as well as in most League positions. The Constitutional Convention, being legislators, seem to have weighted this article in their direction "by law" and seriously undermined the separation of powers. And, as in other articles, special interests get the major consideration--not the needs of the people. Power, profit, and property over the needs of the state in transition.

Jayne Dibrell



I guess we should be pleased to get the "compromise" wording on ex-felons' right to vote. However, the provision following that giving the legislature the right to pass additional limitations on voting by persons convicted of a felony means the League is going to have to be very vigilant in watching future legislatures.

The provisions permitting the legislature to require property ownership as an additional qualification will probably be inoperative--thus are excess verbiage. But even if such requirements were ruled to be constitutional they would probably have a limited impact as the word "property" has been broadly defined in Texas to mean almost anything.

Great to see no mention of Pauper Status!

Elections: I like the simple, flexible wording! It almost sounds like a Leaguer wrote it!

#### GENERAL PROVISIONS

General comments: Since the General Provisions committee received and studied 75 proposals, it's gratifying to see only 24 sections in the main article. Except for the Homestead and Retirement sections, most provisions are fairly concise. The extremely wordy retirement section is a great example of what should not be in a constitution--however all these "protections" may make the constitution more acceptable and passage easier.

Environment: The policy statement on environment can't be called bad--just weak. It certainly allows stronger legislation in the future! I'm pleased with the additional wording included in Conservation and Development of Natural Resources section, i.e.: "the conservation of the atmosphere" and "recycling" of wastes.

I also like the words "perpetual trust for the use and benefit of the people" in the section on Coastal Natural Resources.

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#### FINANCE

The Finance Article is a vast improvement over the 1876 Constitution. We would recommend support of the new constitution on the basis of the Finance sections.

Good aspects:

1. Most financial provisions are now in one article, and it is generally readable and understandable.
2. Taxation. The general statement on taxation is worded just as our consensus suggested.
  - a. Leaving out intangibles brings the constitution in line with taxation as it is practiced.
  - b. One county-wide appraisal according to state-wide standards and procedures is a real start toward standardization and greater equality in taxation.
  - c. Huge victory in not having a provision prohibiting a state income tax which would have cut off a widely used tax source and would have made the tax structure inflexible.



## Finance, p. 2

3. Appropriations provisions are in line with our consensus.
4. State Debt provisions are awfully detailed to speak to present abuses, but are in line with our consensus. Avoided putting any specific dollar ceiling in the constitution. Removing the prohibition against state debt helps in that we no longer "live a lie" and the need for frequent amendment to the constitution to allow debt will be avoided.
5. Public spending--the wording is in line with our consensus. \*The welfare ceiling is removed. Removal of prohibition of giving public funds to individuals will remove necessity for many of the amendments that were necessary in 1876 Constitution.

## Bad aspects:

1. Tax exemptions--They should have been statutory. The mandatory tax exemption for those over 65 will hurt local taxing jurisdictions in proportion to the number of elderly in their population.
2. Highway fund--Dedicated funds should be statutory. The effect may be mitigated a bit by increased flexibility with a petroleum refinery tax now available for the general fund.
3. PUF and SHEAF--Although they are in Education Article, must note that they are another minus in the state's financial structure. SHEAF doesn't even provide a particular revenue source.
4. Mass transit provision (now in Local Government) turned into a restriction on financing of mass transit by cities.

## Important issues not within League consensus and effect uncertain:

1. Special mode of taxing railroads and agricultural and timber lands.
2. Ad valorem tax appeals in trial de novo proceedings.
3. Prohibition against use of public funds to influence the election of any person.

The good things outweigh the defects in importance. In defense of the Convention, it must be remembered that the "non-political" CRC also caved in to the heavy lobbying for the dedicated funds and the tax exemptions.

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## EDUCATION

Almost everything to be said about the Education Article is negative. ONE GOOD THING: Equal Educational Opportunity--As of today the phrase is still in. However, it has been discussed away to almost nothing if judges look into legislative intent. It does not apply to a school district's capital expenditures. The mandate for equal educational opportunity is explained as making it a "goal" and all language which might indicate that the Legislature must make it a reality has been resisted.

## Negative aspects:

1. Removed mandate in CRC to distribute state resources on basis of wealth of the state as a whole.
2. Removed mandate in CRC (and part of League consensus) to make educational programs responsive to the needs and abilities of all students.



- 7
3. Local enrichment is allowed, even with the recognition that it is inconsistent with equal educational opportunity. Although there is no ceiling on local enrichment and no restriction on the purposes for which it may be used, they did retain the phrase "consistent with general law" so there is the possibility that restrictions can be imposed in the future.
  4. Per scholastic distribution of the Available School Fund provides for a flat allotment and makes this money unavailable for dealing with the financial inequities of school financing--it compounds the discrepancy.
  5. PUF and SHEAF--Although the League took no stand on these funds during the convention, our recent Finance consensus states that all dedicated funds should be statutory.

If the Education Article is passed as is, we can live with it. If the Convention tampers with Section 1, then the new article is no better than that in the 1876 Constitution.

#### LOCAL GOVERNMENT

Article 9. While it lacks some of the provisions the League would like to have, this article still has enough flexibility in it to make local government much more responsible to the local people.

The negatives are:

1. Special districts--They are not eliminated. Their power will actually be determined by the legislation governing them--a good place for the League to do some effective lobbying.
2. Tax rate limitations--These are in the constitution but do not include debt service. Debt service limitation will be determined by the legislature.
3. No true home rule for counties--Constitutionally elected officers plus the tax rate limitation prohibit counties from having the same autonomy as cities.

The positives are:

1. Ordinance making power for county government. While this too will depend on legislation, I am firmly convinced that this provision can do more for saving the environment and the quality of life than any other in the constitution. It is a giant step forward and offers a real challenge to local Leagues to see that this power is granted, i.e., that the people vote for it.
2. Limited home rule--While not debated, this offers the possibility of eliminating statutory officers and enabling the county government to offer services such as dumps, etc.
3. Provision for eliminating and adding county offices even if the combined jobs must be elective. At least the county doesn't have to fill an unessential position with a do-nothing body.

Probably the best way to describe the article is to say that it offers the possibility of flexibility that the League feels is necessary for good local government. We wish it offered more, but it may pass under this form while the "courthouse gang" would certainly defeat a stronger statement.



## L Local government, 2

The medium-sized towns and counties will probably benefit more from this provision than any other, particularly if they still have a growing population.

Wanda Allen  
Phyllis Manna

## LEGISLATIVE ARTICLE

At this point in constitutional revision we who observed the legislative article from the beginning are very pleased with the over-all results. This committee had special pressures not only from lobbies but from their fellow delegates and the governor. We are especially pleased with annual sessions (after the primaries were over!) and removal of salaries from the body of the article. In light of a lot of the testimony before the committee these two changes are a minor miracle. We were disappointed with the weakened ethics section, but again it is a workable compromise compared with some of the suggestions that were made. The VETO SESSION was an interesting compromise, too. We were happy with the strong statement for single member districts.

The alternate proposals are most distressing to us. If this is passed in November and implemented January 1, 1975 with four-year terms for house members, we feel it was a dirty trick to play on the voters because they did not know of this in May and November of 1974. The salary alternate is completely unacceptable.

We feel that the intent of the local and special laws sections was that they were not open-ended. Over-all we feel that the League can support the Legislative Article as written and work against the alternate proposals.

Barbara Nobles

Note: Comments by Grace Schmitt on Education Article. M. L.



# Observer Corps Reports

Article IV

EXECUTIVE

July 11, 1974

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3. Provision for eliminating and adding county offices even if the combined jobs must be elective. At least the county doesn't have to fill an unessential position with a do-nothing body.

Probably the best way to describe the article is to say that it offers the possibility of flexibility that the League feels is necessary for good local government. We wish it offered more, but it may pass under this form while the "courthouse gang" would certainly defeat a stronger statement.



The medium-sized towns and counties will probably benefit more from this provision than any other, particularly if they still have a growing population.

Wanda Allen  
Phyllis Manna

#### LEGISLATIVE ARTICLE

At this point in constitutional revision we who observed the legislative article from the beginning are very pleased with the over-all results. This committee had special pressures not only from lobbies but from their fellow delegates and the governor. We are especially pleased with annual sessions (after the primaries were over!) and removal of salaries from the body of the article. In light of a lot of the testimony before the committee these two changes are a minor miracle. We were disappointed with the weakened ethics section, but again it is a workable compromise compared with some of the suggestions that were made. The VETO SESSION was an interesting compromise, too. We were happy with the strong statement for single member districts.

The alternate proposals are most distressing to us. If this is passed in November and implemented January 1, 1975 with four-year terms for house members, we feel it was a dirty trick to play on the voters because they did not know of this in May and November of 1974. The salary alternate is completely unacceptable.

We feel that the intent of the local and special laws sections was that they were not open-ended. Over-all we feel that the League can support the Legislative Article as written and work against the alternate proposals.

Barbara Nobles

Note: Comments by Grace Schmitt on Education Article. M. L.



JUL 1 1974

The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 18, June 28, 1974

Convention Office  
308 W. 15th St., Rm. 305  
Austin, Texas 78701

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EXECUTIVE. In spite of unprecedented confusion on the floor, the article passed 134-22. Sec. 24, which proved to be most controversial, was voted on separately and passed 115-41. Sec. 24 provides that all state agencies (except those relating to higher education and those confined to a region such as a river authority) "have a life of not more than 10 years unless renewed by law for not more than 10 years at a time." That provision plus the executive's new budget execution power should make quite a difference in the state's bureaucracy. Other amendments allow the governor to call out the National Guard in case of disasters (not limited to "natural" disasters) and permit the Senate to convene within 20 days of the appointment of a Lt. Gov. to vote on confirmation.

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|---|-----|----|
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| a. Four-year terms for House  | Yes | No |
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LEAGUE OF WOMEN VOTERS OF TEXAS

CONVENTION OFFICE

308 W. 15th ST., Room 305  
Austin, Texas 78701

ALWAYS USE



*League of Women Voters of Texas  
Dickinson Plaza Center  
Dickinson, Texas 77539*



JUL 1 1974

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LEAGUE OF WOMEN VOTERS OF TEXAS

CONVENTION OFFICE

308 W. 15th St., Room 305  
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The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 17, June 21, 1974

Convention Office  
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JUN 21 1974

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#### LEAGUE OF WOMEN VOTERS OF TEXAS

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DICKINSON PLAZA CENTER

DICKINSON TX 77539

COMMENTS, p. 2, 6/21/74



The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 15, June 7, 1974

JUN 7 1974  
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**ENVIRONMENT.** In a press release Wednesday, Delegate Hutchison announced he is setting up a meeting Monday for the LWV, environmental groups, and assorted industrialists to hash out the environmental section. In the wake of the storm raised over the passage of his environmental section, Mr. Hutchison offered to move for reconsideration (still unmade), to pull his proposal down, and to leave the Constitution silent on the subject. Now it appears that Mr. Hutchison is attempting to pass the hot potato and to come out looking like the mediator.

The highly controversial environment section has emerged from the Convention quite a bit different from the way it was originally proposed by the CRC, and a recap might help.

The CRC statement was a short 3-sentence paragraph calling on the state and each person to maintain and improve a healthful environment, and making it the duty of the legislature to provide for administration and enforcement. It lacked teeth and the LWV hoped for something more.

The Committee report was written with an eye to protecting the bonding abilities of special districts and authorities rather than the environment and equated conservation and development in every sentence. Because of this, environmental groups, and the League, opposed it. The Doggett proposal, which made state agencies trustees of our natural resources and gave citizens the right to sue, was supported instead. The Doggett proposal was tabled 90-64.

**HUTCHISON AMENDMENT.** Replaces Committee Section 6 with two sections, 6 and 7, requiring the renumbering of all succeeding sections of the General Provisions Article. Hutchison Section 6 states that it is public policy to protect the quality of the environment and the legislature must enact laws implementing and enforcing this policy. It next states that designated state agencies (unspecified) are trustees and shall perform such duties as imposed on them by the legislature. The sentence that unhinged the environmental groups reads, "Persons, as beneficiaries, can enforce this trust only by suits against such agencies and only in the manner provided by law." Adopted 79-72; 2 PMV, 28 NV (record vote #10). It is interesting to compare Record Vote #9, which originally passed the Hutchison amendment with Vote #10 in which the section was formally adopted. Please notice there are some vote changes and a few more NV. These votes are considered by environmentalists to be the first clear cut tallies available on the issue. Be sure you know how your delegates voted on both. While #10 is the final and more highly publicized vote, #9 is possibly the more revealing.

In an all-out effort to have this section reconsidered the LWV has sent letters to Price Daniel, all delegates, and has issued a press release stating we would rather the constitution remain silent than include this section. LET YOUR DELEGATES HEAR FROM YOU.

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The League and other environmental groups are not attempting to challenge Section 7 because of the large margin by which it passed.

Section 7b for the removal of waters from the basin of origin forbids the use of state funds unless there is sufficient interstate replacement. This section was an amendment by Clayton and passed 89-58, 1 PMV, 33 NV.



TEXAS CONSTITUTIONAL CONVENTION. Motion to Adopt the Hutchison Amendment as Amended to Sec. 6, Art. X. Yea--94; Nay--64; PNV--1; NV--22. Record vote # 9

		Geiger	Y		Newton		X
		Grant		N	Nichols		N
Adams, D.	Y	Green, F.	Y		Nowlin	Y	
Adams, H.	Y	Green, R.		N	Nugent	Y	
Agnich	Y	Hale	Y		Ogg		N
Alkin	Y	Hall, A.		N	Olson		N
Allen, Joe		Hall, W.		N	Parker, C.		N
Allen, John	Y	Hanna	Y		Parker, W.	Y	
Allred		Harrington		N	Patman		N
Andujar	Y	Harris, E.		N	Petony		N
Atwell		Harris, O.	Y		Peveto	Y	
Bailey	Y	Head		N	Poerner		X
Baker	Y	Heatly	Y		Poff	Y	
Bales		Henderson	Y		Powers		N
Barnhart	Y	Hendricks	Y		Presnal	Y	
Bigham		Hernandez		N	Preston	Y	
Bird		Hightower	Y		Ragsdale		
Blake	Y	Hilliard	Y		Reyes		N
Blanchard	Y	Hoestenbach	Y		Reynolds	Y	
Blythe		Hollowell		N	Rodriguez		N
Bock	Y	Howard	Y		Rosson	Y	
Boone	Y	Hubenak	Y		Russell	Y	
Bowers	Y	Hudson		N	Sage	Y	
Braecklein		Hutchison	Y		Salem	Y	
Brooks		Johnson		N	Sanchez		
Bynum	Y	Jones, Gene		N	Santiestepan		X
Caldwell		Jones, Grant	Y		Schieffer	Y	
Calhoun	Y	Jones, L.		N	Schwartz		N
Canales	Y	Kaster	Y		Scoggins	Y	
Cates	Y	Korloth	Y		Semos		N
Clark		Kothmann		N	Sherman, M.	Y	
Clayton	Y	Kubiak	Y		Sherman, W.	Y	
Clower		Laney	Y		Short	Y	
Cobb		Lary	Y		Simmons	Y	
Cole		Lee		X	Slack	Y	
Coleman		Leland		N	Snelson	Y	
Coody	Y	Lewis	Y		Spurlock	Y	
Cooke	Y	Lombardino		X	Sullivant	Y	
Craddick		Longoria		N	Sutton		N
Creighton	Y	McAlister	Y		Tarbox		X
Daniel		McDonald, F.	Y		Temple		N
Davis	Y	McDonald, T.	Y		Thompson		
Denson		McKinnon	Y		Traeger	Y	
Denton		McKnight	Y		Truan		N
Doggett		Madla		N	Tupper	Y	
Donaldson	Y	Maloney	Y		Uher		
Doran	Y	Martin	Y		Vale		N
Doyle		Massey	Y		Vecchio		N
Dramberger		Mattox		N	Vick		X
Earle		Mauzy		X	Von Dohlen	Y	
Edwards	Y	Meier		N	Wallace		N
Evans		Lathoff		N	Washington		N
Finnell	Y	Mengden	Y		Waters		N
Finney	Y	Miller		N	Watson		N
Foreman		Montoya	Y		Weddington		N
Fox	Y	Moore	Y		Whitehead		N
Gammage		Munson	Y		Whitmore	Y	
Garcia		Murray	Y		Wieting	Y	
Gaston	Y	Nabers	Y		Williams		N

Williamson NV; Willis N; Wilson Y; Wolff NV; Wyatt Y; Bryant N.



TEXAS CONSTITUTIONAL CONVENTION. Record Vote 10. Adoption of Sec. 6, Art. X, as amended.  
Yea, 79; Nay, 72; PNV, 2; NV, 28.

Adams, D.	Y	Grant	N	Newton	X
Adams, H.	Y	Green, F.	Y	Nichols	N
Agnich	N	Green, R.	N	Nowlin	Y
Aikin	Y	Hale (chair)	X	Nugent	N
Allen, Jo	X	Hall, A.	N	Ogg	N
Allen, John	Y	Hall, W.	N	Olson	N
Allred		Hanna	Y	Parker, C.	N
Andujar	Y	Harrington	N	Parker, W.	Y
Atwell		Harris, E.	N	Patman	N
Bailey	Y	Harris, O.	Y	Pentony	N
Baker	N	Head	N	Peveto	Y
Bales		Heatly	Y	Poerner	X
Barnhart	Y	Henderson	Y	Poff	Y
Bigham	N	Hendricks	N	Powers	N
Bird	N	Hernandez	N	Presnal	Y
Blake	Y	Hightower	Y	Preston	N
Blanchard		Hilliard	Y	Ragsdale	
Blythe	N	Hoestenbach	Y	Reyes	N
Bock	Y	Hollowell	N	Reynolds	Y
Boone	Y	Howard	Y	Rodriguez	N
Bowers	Y	Hubenak	Y	Rosson	Y
Braecklein	N	Hudson	N	Russell	Y
Brooks	N	Hutchison	Y	Sage	Y
Bynum	Y	Johnson	N	Salem	N
Caldwell		Jones, Gene	N	Sanchez	
Calhoun	Y	Jones, Grant	Y	Santiestepan	X
Canales	Y	Jones, L.	N	Schieffer	Y
Cates	Y	Kaster	Y	Schwartz	N
Clark	N	Korloth	Y	Scoggins	Y
Clayton	Y	Kothmann	N	Semos	N
Clower	N	Kubiak	Y	Sherman, M.	Y
Cobb		Laney	Y	Sherman, W.	Y
Cole		Lary	Y	Short	Y
Coleman	N	Lee	X	Simmons	Y
Coody	Y	Leland	N	Slack	Y
Cooke	Y	Lewis	Y	Snelson	Y
Craddick	X	Lombardino	X	Spurlock	Y
Creighton	Y	Longoria	N	Sullivant	Y
Daniel		McAlister		Sutton	N
Davis	Y	McDonald, F.	Y	Tarbox	X
Denson	N	McDonald, T.	Y	Temple	N
Denton	N	McKinnon	N	Thompson	N
Doggett	N	McKnight		Traeger	Y
Donaldson	Y	Madla	N	Truan	N
Doran	Y	Maloney	Y	Tupper	
Doyle	N	Martin	Y	Uher	
Dramberger		Massey	Y	Vale	N
Earle	N	Mattox	N	Vecchio	N
Edwards	Y	Mauzy	X	Vick	X
Evans	Y	Meier	N	Von Dohlen	N
Finnell	Y	Lauhoff	N	Wallace	N
Finney	Y	Mengden	Y	Washington	N
Foreman	N	Miller	N	Waters	N
Fox	X	Montoya	N	Watson	N
Gammage	N	Moore	Y	Weddington	N
Garcia	N	Munson	N	Whitehead	Y
Gaston	Y	Murray		Whitmire	Y
Geiger	Y	Nabers	Y	Wieting	Y

Williams N; Williamson NV; Willis N; Wilson Y; Wolff PNV; Wyatt Y; Bryant N.



## CONVENTION COMMENTS

June 7, 1974

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**JUDICIARY.** Still no definite compromise in sight for this article. The latest attempt being tried would allow the supreme court to sit in sections (but not civil and criminal); would make circuit courts optional by changing "shall" to "may", but would allow the legislature "from time to time to determine the number and location of such courts," would permit county courts to continue unless otherwise provided by law with jurisdiction as provided by law; provides for state right of appeal only where a trial court declares a law unconstitutional or from an appeal court at the court's discretion (both subject to guarantees in Article 1). The belief is now that no action on this article will take place until Gen. Prov. is completed. Meanwhile the convention continually recesses rather than adjourns in order to permit a majority vote to reconsider.

**AMENDMENT PROPOSAL.** A new alternate submission has been proposed for the Mode of Amending article. It would write into the 1876 constitution a proposal to allow the legislature to revise the constitution article by article, pulling together all pertinent topics from throughout the document, and submitting it to the voters a piece at a time. Any such amendment would require a 2/3 vote of both houses before it could go to the voters. Grant Jones has offered this as an escape hatch should the new constitution fail. Rights and Suffrage Committee is considering it.

**ODDS AND ENDS.** A study guide for use in high school civics classes has been prepared under the auspices of the Convention's Education committee. A children's cartoon booklet has also been developed by the Public Information Office to help inform the tots on constitutional revision.

**NEW MEMBER** on the Submission and Transition Committee to replace Hawkins Menefee is Lyndon Olson, Jr.

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LEAGUE OF WOMEN VOTERS OF TEXAS  
DICKINSON PLAZA CENTER  
DICKINSON TX 77539



The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 15, June 7, 1974

Convention Office  
308 W. 15th St., Room 305  
Austin, Texas 78701

JUN 10 1974

**ENVIRONMENT.** In a press release Wednesday, Delegate Hutchison announced he is setting up a meeting Monday for the LWV, environmental groups, and assorted industrialists to hash out the environmental section. In the wake of the storm raised over the passage of his environmental section, Mr. Hutchison offered to move for reconsideration (still unmade), to pull his proposal down, and to leave the Constitution silent on the subject. Now it appears that Mr. Hutchison is attempting to pass the hot potato and to come out looking like the mediator.

The highly controversial environment section has emerged from the Convention quite a bit different from the way it was originally proposed by the CRC, and a recap might help.

The CRC statement was a short 3-sentence paragraph calling on the state and each person to maintain and improve a healthful environment, and making it the duty of the legislature to provide for administration and enforcement. It lacked teeth and the LWV hoped for something more.

The Committee report was written with an eye to protecting the bonding abilities of special districts and authorities rather than the environment and equated conservation and development in every sentence. Because of this, environmental groups, and the League, opposed it. The Doggett proposal, which made state agencies trustees of our natural resources and gave citizens the right to sue, was supported instead. The Doggett proposal was tabled 90-64.

**HUTCHISON AMENDMENT.** Replaces Committee Section 6 with two sections, 6 and 7, requiring the renumbering of all succeeding sections of the General Provisions Article. Hutchison Section 6 states that it is public policy to protect the quality of the environment and the legislature must enact laws implementing and enforcing this policy. It next states that designated state agencies (unspecified) are trustees and shall perform such duties as imposed on them by the legislature. The sentence that unhinged the environmental groups reads, "Persons, as beneficiaries, can enforce this trust only by suits against such agencies and only in the manner provided by law." Adopted 79-72; 2 PNv, 28 NV (record vote #10). It is interesting to compare Record Vote #9, which originally passed the Hutchison amendment with Vote #10 in which the section was formally adopted. Please notice there are some vote changes and a few more NV. These votes are considered by environmentalists to be the first clear cut tallies available on the issue. Be sure you know how your delegates voted on both. While #10 is the final and more highly publicized vote, #9 is possibly the more revealing.

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Section 7b for the removal of waters from the basin of origin forbids the use of state funds unless there is sufficient interstate replacement. This section was an amendment by Clayton and passed 89-58, 1 PNv, 33 NV.



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Sec. 6, Art. X. Yea--94; Nay--64; PNV--1; NV--22. Record vote # 9

		Geiger	Y	Newton	X
		Grant	N	Nichols	N
Adams, D.	Y	Green, F.	Y	Nowlin	Y
Adams, H.	Y	Green, R.	N	Nugent	Y
Agnich	Y	Hale	Y	Ogg	N
Aikin	Y	Hall, A.	N	Olson	N
Allen, Joe	X	Hall, W.	N	Parker, C.	N
Allen, John	Y	Hanna	Y	Parker, W.	Y
Allred	N	Harrington	N	Patman	N
Andujar	Y	Harris, E.	N	Petony	N
Atwell		Harris, O.	Y	Peveto	Y
Bailey	Y	Head	N	Poerner	X
Baker	Y	Heatly	Y	Poff	Y
Bales		Henderson	Y	Powers	N
Barnhart	Y	Hendricks	Y	Presnal	Y
Bigham	N	Hernandez	N	Preston	Y
Bird	N	Hightower	Y	Ragsdale	
Blake	Y	Hilliard	Y	Reyes	N
Blanchard	Y	Hoestenbach	Y	Reynolds	Y
Blythe	N	Hollowell	N	Rodriguez	N
Bock	Y	Howard	Y	Rosson	Y
Boone	Y	Hubenak	Y	Russell	Y
Bowers	Y	Hudson	N	Sage	Y
Braecklein	N	Hutchison	Y	Salem	Y
Brooks	N	Johnson	N	Sanchez	
Bynum	Y	Jones, Gene	N	Santiestepan	X
Caldwell	N	Jones, Grant	Y	Schieffer	Y
Calhoun	Y	Jones, L.	N	Schwartz	N
Canales	Y	Kaster	Y	Scoggins	Y
Cates	Y	Korloth	Y	Semos	N
Clark	N	Kothmann	N	Sherman, M.	Y
Clayton	Y	Kubiak	Y	Sherman, W.	Y
Clover	N	Laney	Y	Short	Y
Cobb		Lary	Y	Simmons	Y
Cole		Lee	X	Slack	Y
Coleman	N	Leland	N	Snelson	Y
Coody	Y	Lewis	Y	Spurlock	Y
Cooke	Y	Lombardino	X	Sullivant	Y
Craddick	X	Longoria	N	Sutton	N
Creighton	Y	McAlister	Y	Tarbox	X
Daniel		McDonald, F.	Y	Temple	N
Davis	Y	McDonald, T.	Y	Thompson	
Denson	N	McKinnon	Y	Traeger	Y
Denton	N	McKnight	Y	Truan	N
Doggett	N	Madla	N	Tupper	Y
Donaldson	Y	Maloney	Y	Uher	
Doran	Y	Martin	Y	Vale	N
Doyle	N	Massey	Y	Vecchio	N
Dramberger		Mattox	N	Vick	X
Earle	N	Mauzy	X	Von Dohlen	Y
Edwards	Y	Meier	N	Wallace	N
Evans		Lauhoff	N	Washington	N
Finnell	Y	Mengden	Y	Waters	N
Finney	Y	Miller	N	Watson	N
Foreman	N	Montoya	Y	Weddington	N
Fox	Y	Moore	Y	Whitehead	N
Gammage	N	Munson	Y	Whitmire	Y
Garcia	N	Murray	Y	Wieting	Y
Gaston	Y	Naber	Y	Williams	N

Williamson NV; Wallis N; Wilson Y; Wolff NV; Wyatt Y; Bryant N.



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Adams, H.	Y	Green, F.	Y	Nichols		N
Agnich		Green, R.	N	Nowlin	Y	
Aikin	Y	Hale (chair)	X	Nugent		N
Allen, Jo	X	Hall, A.	N	Ogg		N
Allen, John	Y	Hall, W.	N	Olson		N
Allred		Hanna	Y	Parker, C.		N
Andujar	Y	Harrington	N	Parker, W.	Y	
Atwell		Harris, E.	N	Patman		N
Bailey	Y	Harris, O.	Y	Pentony		N
Baker		Head	N	Peveto	Y	
Bales		Heatly	Y	Poerner		X
Barnhart	Y	Henderson	Y	Poff	Y	
Bigham		Hendricks	N	Powers		N
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Brooks		Hutchison	Y	Sage	Y	
Bynum	Y	Johnson	N	Salem		N
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Canales	Y	Jones, L.	N	Schieffer	Y	
Cates	Y	Kaster	Y	Schwartz		N
Clark		Korloth	Y	Scoggins	Y	
Clayton	Y	Kothmann	N	Semos		N
Clower		Kubiak	Y	Sherman, M.	Y	
Cobb		Laney	Y	Sherman, W.	Y	
Cole		Lary	Y	Short	Y	
Coleman		Lee	X	Simmons	Y	
Coody	Y	Leland	N	Slack	Y	
Cooke	Y	Lewis	Y	Snelson	Y	
Craddick	X	Lombardino	X	Spurlock	Y	
Creighton	Y	Longoria	N	Sullivant	Y	
Daniel		McAlister		Sutton		N
Davis	Y	McDonald, F.	Y	Tarbox		X
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Denton		McKinnon	N	Thompson		N
Doggett		McKnight		Traeger	Y	
Donaldson	Y	Madla	N	Truan		N
Doran	Y	Maloney	Y	Tupper		
Doyle		Martin	Y	Uher		
Dramberger		Massey	Y	Vale		N
Earle		Matttox	N	Vecchio		N
Edwards	Y	Mauzy	X	Vick		X
Evans	Y	Meier	N	Von Dohlen		N
Finnell	Y	Lauhoff	N	Wallace		N
Finney	Y	Mengden	Y	Washington		N
Foreman		Miller	N	Waters		N
Fox	X	Montoya	N	Watson		N
Gammage		Moore	Y	Weddington		N
Garcia		Munson	N	Whitehead	Y	
Gaston	Y	Murray		Whitmire	Y	
Geiger	Y	Nabers	Y	Wieting	Y	

Williams N; Williamson NV; Willis N; Wilson Y; Wolff PNV; Wyatt Y; Bryant N.



## CONVENTION COMMENTS

June 7, 1974

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LEAGUE OF WOMEN VOTERS OF TEXAS  
CONVENTION OFFICE  
308 W. 15th St., Rm. 305  
Austin, Texas 78701



JUN 14 1974

The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 16, June 14, 1974

Convention Office  
308 W. 15th St., Rm. 305  
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3RD READING. Incredible as it seems, we have a rough draft of a new constitution through the second phase. This next to final phase may move very rapidly if the opening session is any sample. The articles now before the Convention are the Style and Drafting reports. They are presented as a whole with amendments to reconcile contradictions or conflicts being brought by the S&D committee. If the Chair rules that the amendment is only to resolve a conflict within or between articles then the amendment can be passed by a majority vote. Any other substantive amendment will require a 2/3 vote. Passed on 3rd Reading are: Art. I (Bill of Rights) 145-0; Art. VI (Voter Qualifications) 106-42; Art. XI (Mode of Amending) 140-9. Section 1 of Mode of Amending allowing article-by-article revision of the constitution if the new constitution fails will be offered as a separate submission.

TIME FOR ACTION. LOCAL GOVERNMENT. Contact your delegates IMMEDIATELY by phone to urge their support of a strengthened County Home Rule separate submission. We want county voters to be able to vary the structure of their government to suit their needs and not be bound by the rigid provisions in Sec. 3 and Sec. 8. These two sections spell out all the officers and require that they all be elected. Cities have long held home rule rights with no disastrous effects, and we think it is time that the 254 highly diversified counties of Texas be given the same choice.

S&D has pointed out that there is an inconsistency between county home rule and the restrictions in Sections 3 & 8. WE AGREE. If the Chair rules that this is only an amendment to correct a conflict it will take only a majority vote. ACT NOW ! THIS COMES TO THE FLOOR MONDAY AFTERNOON. S&D has offered some additional wording that would give counties more latitude in governing themselves; so has Hutchison. Either seems better than what there is now. If they don't strengthen home rule, we would rather they dropped it.

JUDICIARY. This much compromised article finally garnered enough votes to pass 117-45. The final proposal (reviewed in last COMMENTS) was presented to the Convention with no amendments possible. The overall article is hardly as strong as the League would have liked. However, the court structure is merged, and there is a central administrative and financial structure. This is an article we can support.

ENVIRONMENT. The highly publicized meeting with Hutchison last Monday brought together the old antagonists but produced no solutions. Mr. Hutchison did ask for reconsideration of his amendment on Tuesday, and the Convention settled for adopting a brief policy statement as an amended Sec. 6. It is not the strong affirmative command to protect the environment that we wanted, but it is an improvement over the previously adopted section. Sec. 6 now makes it public policy to protect the environment and mandates the legislature to pass appropriate laws. The problem is clearly once again on the backs of the legislators--where it has always been.

EDUCATION. Now is the time to write to the delegates serving on this Committee (see COMMENTS No. 1) to point out the effects of local enrichment and per pupil allotment of the Available School Fund on equal educational opportunity. Reread the Facts & Issues on Public School Financing issued several years ago by the LWV of Texas.



June 14, 1974

The Committee reviewing the S&D report is concerned that the local enrichment phrase has been moved from Sec. 5 to Sec. 1. Many of them recognize that it clearly modifies Equal Educational Opportunity. No attention has been drawn to the fact that the Available Fund as a flat allotment is an even greater barrier to Equal Educational Opportunity (Article VII, Sec. 2c).

Please point out that this is also an internal inconsistency--it would then be subject to change by a majority vote. A floor amendment put in the present wording. The Committee report had simply stated that after free textbooks and other instructional materials has been provided the remainder of the fund was to go for the support of the free public schools. We would prefer that wording since it gives the legislature the flexibility to use this money to deal with the financial inequities among the school districts. Giving all school districts the same amount of money--rich and poor alike--only compounds the discrepancy and is a barrier to equal educational opportunity.

IT IS URGENT THAT YOU ACT QUICKLY. Committee members will meet Monday on adjournment and the report may come to the floor for 3rd reading by Thursday. MAKE SURE THAT YOU GET YOUR VIEWS TO THEM BEFORE THEN.

LEAGUE OF WOMEN VOTERS OF TEXAS  
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JUN 14 1974

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308 W. 15th St., Rm. 305  
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3RD READING. Incredible as it seems, we have a rough draft of a new constitution through the second phase. This next to final phase may move very rapidly if the opening session is any sample. The articles now before the Convention are the Style and Drafting reports. They are presented as a whole with amendments to reconcile contradictions or conflicts being brought by the S&D committee. If the Chair rules that the amendment is only to resolve a conflict within or between articles then the amendment can be passed by a majority vote. Any other substantive amendment will require a 2/3 vote. Passed on 3rd Reading are: Art. I (Bill of Rights) 145-0; Art. VI (Voter Qualifications) 106-42; Art. XI (Mode of Amending) 140-9. Section 1 of Mode of Amending allowing article-by-article revision of the constitution if the new constitution fails will be offered as a separate submission.

TIME FOR ACTION. LOCAL GOVERNMENT. Contact your delegates IMMEDIATELY by phone to urge their support of a strengthened County Home Rule separate submission. We want county voters to be able to vary the structure of their government to suit their needs and not be bound by the rigid provisions in Sec. 3 and Sec. 8. These two sections spell out all the officers and require that they all be elected. Cities have long held home rule rights with no disastrous effects, and we think it is time that the 254 highly diversified counties of Texas be given the same choice.

S&D has pointed out that there is an inconsistency between county home rule and the restrictions in Sections 3 & 8. WE AGREE. If the Chair rules that this is only an amendment to correct a conflict it will take only a majority vote. ACT NOW ! THIS COMES TO THE FLOOR MONDAY AFTERNOON. S&D has offered some additional wording that would give counties more latitude in governing themselves; so has Hutchison. Either seems better than what there is now. If they don't strengthen home rule, we would rather they dropped it.

JUDICIARY. This much compromised article finally garnered enough votes to pass 117-45. The final proposal (reviewed in last COMMENTS) was presented to the Convention with no amendments possible. The overall article is hardly as strong as the League would have liked. However, the court structure is merged, and there is a central administrative and financial structure. This is an article we can support.

ENVIRONMENT. The highly publicized meeting with Hutchison last Monday brought together the old antagonists but produced no solutions. Mr. Hutchison did ask for reconsideration of his amendment on Tuesday, and the Convention settled for adopting a brief policy statement as an amended Sec. 6. It is not the strong affirmative command to protect the environment that we wanted, but it is an improvement over the previously adopted section. Sec. 6 now makes it public policy to protect the environment and mandates the legislature to pass appropriate laws. The problem is clearly once again on the backs of the legislators--where it has always been.

EDUCATION. Now is the time to write to the delegates serving on this Committee (see COMMENTS No. 1) to point out the effects of local enrichment and per pupil allotment of the Available School Fund on equal educational opportunity. Reread the Facts & Issues on Public School Financing issued several years ago by the LWV of Texas.



COMMENTS

2

June 14, 1974

The Committee reviewing the S&D report is concerned that the local enrichment phrase has been moved from Sec. 5 to Sec. 1. Many of them recognize that it clearly modifies Equal Educational Opportunity. No attention has been drawn to the fact that the Available Fund as a flat allotment is an even greater barrier to Equal Educational Opportunity (Article VII, Sec. 2c).

Please point out that this is also an internal inconsistency--it would then be subject to change by a majority vote. A floor amendment put in the present wording. The Committee report had simply stated that after free textbooks and other instructional materials has been provided the remainder of the fund was to go for the support of the free public schools. We would prefer that wording since it gives the legislature the flexibility to use this money to deal with the financial inequities among the school districts. Giving all school districts the same amount of money--rich and poor alike--only compounds the discrepancy and is a barrier to equal educational opportunity.

IT IS URGENT THAT YOU ACT QUICKLY. Committee members will meet Monday on adjournment and the report may come to the floor for 3rd reading by Thursday. MAKE SURE THAT YOU GET YOUR VIEWS TO THEM BEFORE THEN.



LEAGUE OF WOMEN VOTERS OF TEXAS  
CONVENTION OFFICE  
308 W. 15th St., Rm. 305  
Austin, Texas 78701

LEAGUE OF WOMEN VOTERS OF TEXA  
DICKINSON PLAZA CENTER  
DICKINSON TX 77539



The League of Women Voters of Texas

CONVENTION COMMENTS

No. 14, May 24, 1974

TIME FOR ACTION

Convention Office

308 W. 15th St., Room 305

Austin, Texas 78701

"A funny thing happened on the way. . ." The Judiciary Article--much amended, defeated (74Y-81N, 19PNV), reconsidered, substitute article defeated, and now further action postponed until 2 PM May 28. The two issues that tore at the delegates, county level courts and state right of appeal, are still unresolved. For the past 2 weeks the convention has been under incredible pressure from a group of county officials determined to protect their domains. Repeatedly the convention accommodated them. (1) Circuit courts shall be created--but only if the county wants them. (2) Fees and fines collected at county court level remain in the county. (3) Judicial functions of county judges remain now unless changed by the legislature. (4) Jurisdiction of county courts remains as they are unless changed by the legislature.

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The state right of appeal has received support from ultra-conservatives who want to prevent defendants from being released on "technicalities." Opposition has come from minority groups interested in protecting defendants from costly appeals by prosecutors and the threat of double jeopardy. Several attempts at compromise have been made. (1) Appeals by the state at trial level courts may be made only where the law is unconstitutional. (2) Supreme court may upon petition of state review a decision of appeals court. The League has no position here and it is a particularly touchy subject. All we can hope for is a reasonable compromise.

WHAT HAVE WE GOT? So far the merged courts and the unified administration have held up. The Lary amendment that caused such a flap last week was withdrawn. In its place the legislature may create an agency of the judicial branch to prescribe rules of administration for the judiciary, its membership to be determined by law. This eliminates the Judicial Council from the constitution. **KEEP UP THE PRESSURE TO RETAIN THE UNIFIED COURTS AND UNIFIED ADMINISTRATION.**

Late Thursday the General Provisions article came to the floor; unless this is completed by Tuesday it will take a 2/3 vote to suspend the rules in order for the convention to take up the judicial article again. In all likelihood it will have to wait until action on Gen. Prov. is completed.

LEAGUE OF WOMEN VOTERS OF TEXAS

CONVENTION OFFICE

308 W. 15th St., Rm. 305

Austin, Texas 78701



1974

## TEXAS CONSTITUTIONAL CONVENTION

YEA N-V NAY

Mr. President \_\_\_\_\_  
 Adams, D. \_\_\_\_\_  
 Adams, H. \_\_\_\_\_  
 Agnich \_\_\_\_\_  
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 Allen, Joe \_\_\_\_\_  
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 Bryant \_\_\_\_\_

X-EXCUSED ABSENCE

## RECORD # 8 ADOPTION OF F, AS AMENDED

This vote defeated the Judiciary Article, how did your delegate vote?

Let him know you know how he voted!!!

5-22-74



The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 14, May 24, 1974

TIME FOR ACTION

Convention Office  
308 W. 15th St., Room 305  
Austin, Texas 78701

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1974

## YEAR CONSTITUTIONAL CONVENTION

YEA N-V NAY

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YEA N-V NAY

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X-EXCUSED ABSENCE

## RECORD # 8 ADDITION OF F, AS AMENDED

This vote defeated the Judiciary Article, how did your delegate vote?

Let him know you know how he voted!!!

5-22-74



The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 12, May 10, 1974

MAY 18 1974  
Convention Office  
308 W. 15th St., Rm. 305  
Austin, Texas 78701

RECESS ROUNDUP. The Style and Drafting Committee worked regularly through the recess and completed tentative drafts of five of the articles. These drafts are being previewed informally by members of the substantive committees before being put in final form by S & D for submission to the Convention. A brief review of those areas pertinent to League positions follows:

EDUCATION. The statement on local enrichment in Section 5 has been moved to Section 1. Substantively it remains the same and the modifying effect on equal educational opportunity becomes clearer. The Committee, noting the inconsistency in the statement, decided to let it return to the Convention for 3rd reading. It reads, "The system must offer each individual an equal educational opportunity, but a school district may provide local enrichment of educational programs consistent with general law." The footnote to this section explains that the provision for local enrichment is a policy and belongs with the rest of the policy statement rather than in Section 5 on the structure of the schools. Final report passed committee, 8 for, 1 abstaining (Andujar).

EXECUTIVE. Minimal changes in this article: Sec. 2d, dealing with removal of appointees from office, requires that the governor submit his proposal for removal not less than 45 days prior to adjournment, or not more than two days after the convening of a special session.

In Sec. 2c dealing with the expiration dates of terms of office, the words "of the executive branch" have been removed since the committee understood that this was not an intentional limitation.

The limitation of the governor to two 4-year terms in succession has been moved to Sec. 4 on the governor's eligibility. The committee offers a footnote on the difference between branch and department in this article, calling an understanding of the difference essential. The Branch encompasses the whole executive function, including all constitutional and statutory agencies, whereas the Department consists only of the officers specified in Sec. 1 and those who serve "at the pleasure of the governor."

MODE OF AMENDING. Minimal changes. New wording makes it clear that adopted amendments become part of the constitution on the day of canvassing of election returns.

VOTER QUALIFICATIONS. The new wording clarifies the point that only persons convicted of a felony and in prison, on parole, or on probation for it are deprived of their vote.

Sec. 1c dealing with the requirement of property ownership for certain elections is redone so that the kinds of elections in which this requirement would be possible is clear. (1) All elections authorizing property taxes or bond issues payable from property taxes. (This section is "inoperative" because of a U. S. District Court ruling in Stone vs. Ft. Worth.) (2) Any special district election where the special district's activities have a disproportionate effect on property owners.

LOCAL GOVERNMENT. After tangling with Sec. 12 on consolidation of offices and functions, the committee may recommend that it be dropped as meaningless because of the restrictions of the phrase "one geographical county." It was felt that Sec. 11 granting contract rights and Sec. 1 granting voters the right to merge counties or change county boundaries was sufficient.

The committee might also recommend that county home rule be dropped unless it is strengthened. Ben Grant pointed out that the Bill of Rights assures citizens the right to alter the structure of their government, but that the home rule alternate submission passed on 2nd reading would not grant that freedom to people in a county. They have not



arrived at a wording that satisfies them so far, but this seems to be one area that the Convention will have to deal with again. COUNTY HOME RULE MAY NOT BE DEAD AFTER ALL.

OUT OF COMMITTEE. Judiciary, reported out 12-4, will be on the Floor next. Voting against were: Finnell, Heatly, Nabors, Blanchard. Absent were: Cooke, Hudson, Mauzy, Ogg, Peveto. The final report retains the merger of the courts with one Supreme Court, Court of Appeals, District Courts, and Circuit courts as part of the unified system. The JP courts and municipal courts are outside the system. The article provides for the state to pay judges and other expenses of the system as provided by law. It also calls for election of judges, central court administration under the supreme court, unanimous jury verdicts, and a Judicial Retirement System administered by the Board of Trustees of the State Employees Retirement System. There are 3 minority reports attached.

Minority report 1: Supreme court to promulgate rules of procedure subject to expressed disapproval of the legislature. The majority report gives the right to make civil rules to the courts, but retains criminal rules for the legislature. This report would grant both to the court. Signed by Earle, McDonald, Grant, Peveto, Powers, and Spurlock.

Minority report 2: In Courts of Appeals it calls for not fewer than 3 judges to sit in any case, whereas the majority report calls for a majority of the judges to decide a case. Signed by Earle, Denson, Grant, Ogg, Jones, Baker, Powers.

Minority report 3: Calls for state to be divided into judicial election districts for the election of judges of the supreme court. Signed by Coleman, Grant, Spurlock, Heatly, Finnell, Nabers.

GENERAL PROVISIONS ARTICLE voted out of committee, 13-2, 1 pnv. Review in next issue.

MEANWHILE BACK ON THE FLOOR. The Legislature article, passed 117-26, restored the Salary Commission and a 5-member redistricting board to the body of the article. The \$8,750 salary will be offered as an alternate submission that will go into the 1876 document should the new document fail but the separate proposal pass. The conflict of interest section was watered down to allow members to retain pecuniary interest in state contracts which were obtained before election to the legislature. A full review of this article next week.

NOTE: Jean Bizzell has retired from the office staff to prepare to become Austin League President. Taking her place is Marjorie Loehlin, former Austin VOTER Editor, Speaker's Bureau Chairman, etc. We are trying a new schedule. The office will not open Monday, but will open Friday by 11 a.m.

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No. 12, May 10, 1974

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RECESS ROUNDUP. The Style and Drafting Committee worked regularly through the recess and completed tentative drafts of five of the articles. These drafts are being previewed informally by members of the substantive committees before being put in final form by S & D for submission to the Convention. A brief review of those areas pertinent to League positions follows:

EDUCATION. The statement on local enrichment in Section 5 has been moved to Section 1. Substantively it remains the same and the modifying effect on equal educational opportunity becomes clearer. The Committee, noting the inconsistency in the statement, decided to let it return to the Convention for 3rd reading. It reads, "The system must offer each individual an equal educational opportunity, but a school district may provide local enrichment of educational programs consistent with general law." The footnote to this section explains that the provision for local enrichment is a policy and belongs with the rest of the policy statement rather than in Section 5 on the structure of the schools. Final report passed committee, 8 for, 1 abstaining (Andujar).

EXECUTIVE. Minimal changes in this article. Sec. 2d, dealing with removal of appointees from office, requires that the governor submit his proposal for removal not less than 45 days prior to adjournment, or not more than two days after the convening of a special session.

In Sec. 2e dealing with the expiration dates of terms of office, the words "of the executive branch" have been removed since the committee understood that this was not an intentional limitation.

The limitation of the governor to two 4-year terms in succession has been moved to Sec. 4 on the governor's eligibility. The committee offers a footnote on the difference between branch and department in this article, calling an understanding of the difference essential. The Branch encompasses the whole executive function, including all constitutional and statutory agencies, whereas the Department consists only of the officers specified in Sec. 1 and those who serve "at the pleasure of the governor."

MODE OF AMENDING. Minimal changes. New wording makes it clear that adopted amendments become part of the constitution on the day of canvassing of election returns.

VOTER QUALIFICATIONS. The new wording clarifies the point that only persons convicted of a felony and in prison, on parole, or on probation for it are deprived of their vote.

Sec. 1c dealing with the requirement of property ownership for certain elections is redone so that the kinds of elections in which this requirement would be possible is clear. (1) All elections authorizing property taxes or bond issues payable from property taxes. (This section is "inoperative" because of a U. S. District Court ruling in Stone vs. Ft. Worth.) (2) Any special district election where the special district's activities have a disproportionate effect on property owners.

LOCAL GOVERNMENT. After tangling with Sec. 12 on consolidation of offices and functions, the committee may recommend that it be dropped as meaningless because of the restrictions of the phrase "one geographical county." It was felt that Sec. 11 granting contract rights and Sec. 1 granting voters the right to merge counties or change county boundaries was sufficient.

The committee might also recommend that county home rule be dropped unless it is strengthened. Ben Grant pointed out that the Bill of Rights assures citizens the right to alter the structure of their government, but that the home rule alternate submission passed on 2nd reading would not grant that freedom to people in a county. They have not



Comments, No. 12, p. 2

arrived at a wording that satisfies them so far, but this seems to be one area that the Convention will have to deal with again. COUNTY HOME RULE MAY NOT BE DEAD AFTER ALL.

OUT OF COMMITTEE. Judiciary, reported out 12-4, will be on the Floor next. Voting against were: Finnell, Heatly, Nabors, Blanchard. Absent were: Cooke, Hudson, Mauzy, Ogg, Peveto. The final report retains the merger of the courts with one Supreme Court, Court of Appeals, District Courts, and Circuit courts as part of the unified system. The JP courts and municipal courts are outside the system. The article provides for the state to pay judges and other expenses of the system as provided by law. It also calls for election of judges, central court administration under the supreme court, unanimous jury verdicts, and a Judicial Retirement System administered by the Board of Trustees of the State Employees Retirement System. There are 3 minority reports attached.

Minority report 1: Supreme court to promulgate rules of procedure subject to expressed disapproval of the legislature. The majority report gives the right to make civil rules to the courts, but retains criminal rules for the legislature. This report would grant both to the court. Signed by Earle, McDonald, Grant, Peveto, Powers, and Spurlock.

Minority report 2: In Courts of Appeals it calls for not fewer than 3 judges to sit in any case, whereas the majority report calls for a majority of the judges to decide a case. Signed by Earle, Denson, Grant, Ogg, Jones, Baker, Powers.

Minority report 3: Calls for state to be divided into judicial election districts for the election of judges of the supreme court. Signed by Coleman, Grant, Spurlock, Heatly, Finnell, Nabors.

GENERAL PROVISIONS ARTICLE voted out of committee, 13-2, 1 pnv. Review in next issue.

MEANWHILE BACK ON THE FLOOR. The Legislature article, passed 117-26, restored the Salary Commission and a 5-member redistricting board to the body of the article. The \$8,750 salary will be offered as an alternate submission that will go into the 1876 document should the new document fail but the separate proposal pass. The conflict of interest section was watered down to allow members to retain pecuniary interest in state contracts which were obtained before election to the legislature. A full review of this article next week.

NOTE: Jean Bizzell has retired from the office staff to prepare to become Austin League President. Taking her place is Marjorie Loehlin, former Austin VOTER Editor, Speaker's Bureau Chairman, etc. We are trying a new schedule. The office will not open Monday, but will open Friday by 11 a.m.

LEAGUE OF WOMEN VOTERS OF TEXAS  
CONVENTION OFFICE  
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The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 13, May 17, 1974

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**LEGISLATIVE ARTICLE.** Passed 2nd reading 117-26. Includes both positions favored by the League, annual sessions and removal of specific salary figures. Whatever it was that made this a topsy-survy committee seemed to infect the Convention when they considered this article. They zig-zagged on issues (composition of the houses) and reversed themselves on others (salary, for instance). The section dealing with conflict of interest was a story of gradual attrition from a strong CRC statement, to a weaker one from the committee, to an almost completely gutted version from the convention. The convention took care to further strengthen the legislature in relation to the governor by allowing the legislature to call itself into special session by a petition of two-thirds of its members. The local and special laws section almost guarantees a stream of Podunk specials. Here's a comparison of the three reports:

	<u>2nd Reading</u>	<u>Committee Report</u>	<u>CRC</u>
Sec. 2 Composition	Senate 31 members House 150 members	Between 40 & 60 members " 120 180 "	Between 31 and 50 members " 93 " 155 "
Sec. 5a	Single member dist.	Same	POD concept
Sec. 5f Redistrict- ing	Legis. gets 2 chances; 5 member Redist. Bd. finally	Legis. gets 2 chances; Supreme Ct. does it if Legis. fails	Legis. 1 chance; Legis. Re- dist. Bd., action by Sup. Ct. if Bd. fails
Sec. 6 Compensation	9 member salary com. for Legis. only. (\$8750 salary as alternate sub.)	\$8750 plus per diem and travel	Salary Com. set up in Gen. Prov. for L legis., Exec., and Judiciary
Sec. 7 Sessions	140 days, odd years 90 days in even	Annual session not to exceed 180 days	Meet at least once every 2 years
Sec. 10d Ethics	May retain state con- tract if made before election to Legis.	No pecuniary interest in state contracts	No pecuniary interest in state contracts
Sec. 10e	No equivalent section included	Legislators may appear be- fore state agencies in quasi- judicial matters, no fee allowed	No appearance before state agencies; no fee allowed
Sec. 12	May pass local laws, notice required, area by name	Local laws granting dis- cretionary power, notice required	No local law where general law applicable

**SUBMISSION AND TRANSITION.** No substantive amendments can be made during the final session which require a 2/3 vote, according to Bob Johnson, Parliamentarian. If the document fails to get the required 121 votes S&T committee may remove sections from the body of the document to be offered as separate proposals, or it may reinsert them into the body of the article, but it cannot make further substantive changes.

**STYLE AND DRAFTING.** Committee and Price Daniel discussed which article to submit first to the convention for 3rd reading. Generally agree that it would be better to start with the less controversial (Mode of Amending, Voter Qualifications, etc.).



GENERAL PROVISIONS. This may hit the Floor on Monday or Tuesday, and it is essential that your delegates know the League is supporting the Doggett minority report on the Environment. A letter is going to each delegate as well as a press release, but they need to hear from you. The League opposes the Gen. Prov. Section 6 because it places undue emphasis on development of natural resources and fails to make a strong affirmative command that the state must protect the environment. See COMMENTS, No. 9 and No. 11, for more background.

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Sec. 5, Circuit Courts, was amended to follow the CRC wording more closely (simply read Circuit instead of County in the CRC version), but no judicial district is identified. They remain as part of the unified system; however county judges are mounting an active campaign to change this. **WE ARE OPPOSED TO REMOVAL OF THE CIRCUIT COURTS FROM THE UNIFIED SYSTEM.**

Sec. 11 on rules of procedure was changed by substituting an amended Minority Report No. 1. The Supreme Court will have only civil rule making powers, the Legislature retains criminal rule power, but it takes both houses of the legislature to disapprove rather than one. This is what we have currently, and it is an improvement over the committee recommendation.

Sec. 11,a4. A new section (Lary amendment) was added that will allow the legislature to prescribe rules of administration for the Judiciary. We oppose this as a violation of separation of powers. Urge your delegates to reconsider this matter so that the making of administrative rules remains within the judicial system. This article is not out of the woods yet and this week end there will be fast and furious lobbying by all factions. **DO YOUR PART.** It is essential that the unified system be retained as in Sec. 1 and 2, and Sec. 11 implements this system with a unified administration. **THERE IS NO TIME FOR WRITING. PHONE OR WIRE, OR SEE YOUR DELEGATE THIS WEEK END.** The session resumes Monday afternoon.

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The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 11, April 10, 1974

Convention Office

APR 15 1974

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#### TIME FOR ACTION!!

The following articles are either under discussion at the convention or still to come before the convention and are still subject to easy amendment.

Legislative - TOP PRIORITY...This article is still under discussion on the floor, so there is still time to get the salary out of the constitution. The delegates are fearful that people will reject the constitution if their salary is made statutorily; however, placing an exact salary figure in the constitution is inappropriate and makes for inflexibility. While the League has no position on a Salary Commission, this approach offers a reasonable compromise between a constitutional and a statutory salary. The committee article proposes to offer this alternative to the voters as a separate submission.

An amendment by Peveto and Powers, although voted down originally, may reappear during the debate on the Salary Commission as an alternate submission. Their wording would place the Commission in the 1876 constitution if it passed and the new constitution failed. It would have the end effect of taking the salary out of the 1876 document, but politically the delegates fear that the voters will see this as another attempt to secure a salary raise and reject it too. The League could support a salary commission, but we cannot support an exact salary figure in the constitution.

The conflict of interest section is still to come up, and while it is not as strong as the CRC recommendations, it is good. The League has some qualms about the abuses possible in Sec. 10, which permits legislators to appear before agencies in "quasi-judicial proceedings;" however, sec. 10d forbidding members to have pecuniary interest in any state contracts is great.

TOP PRIORITY - Annual sessions was debated long and furiously and survived as a 140 day - 90 day compromise with the shorter session NOT limited to just budget. There may well be further attempts to amend and weaken this when the convention reconvenes. The League supports annual sessions to permit legislators sufficient time to efficiently handle the state's business.

Judiciary - This article probably will be voted out of committee in a special meeting set for April 27th; final draft sections have been reconsidered and spread on the minutes as follows. Note how the sections measure up to League positions. HIGH PRIORITY LOBBYING is in order for unified judiciary positions, particularly as they are applicable under Sections 1, possibly 2, and 11.

Sec. 1: Judicial power to be vested in the judicial branch; unified system to be composed of a supreme court (court of criminal appeals to be merged with supreme court), courts of appeals (both civil and criminal), district courts, and circuit courts (same level as present county courts at law and special statutory county courts). Jurisdiction of same level courts must be uniform throughout state. This section adopted by 10-9-1 vote; NEED TO LOBBY FULL CONVENTION as there is strong opposition to merger. League wants a SINGLE system of centrally administered statewide courts. We can support the unified system concept in Section 1; of course we would like courts outside the unified system (JP's) integrated into a unified judiciary also.



(JUDICIARY continued)

Sec. 2: Supreme Court given administrative and rule-making power as in the article or by law. This section upholds the single system created in Sec. 1; phrase "by law" may be troublesome to separation of power purists.

Sec. 3 creates 1 or more courts of appeals; 4 preserves present districts but may be changed in future by law (judicial districts with 1 district court per district); Sec. 5 creates circuit court with 1 or more judges to serve 1 or more counties; 6 gives county judge judicial functions as provided by law.

Sec. 7 preserves JP precincts as they are; League's position is to make peace courts into courts of record. Sec. 8 states that judges in the unified system must be lawyers; those outside (JP's, municipal court judges, county court apart from circuit) do not have to be lawyers. League's position: full time "lawyer" judiciary.

Sec. 9 provides for election of judges in a manner provided by law; nonpartisan election would be possible under this section. Vacancies to be filled by governor with advice and consent of Senate; municipal judges to be selected as provided by law. League's merit selection position almost passed as an alternate submission. It may be possible to get merit selection as an alternate submission on the full convention floor.

Sec. 10 states that qualifications commission to be created; Supreme Court justice may be removed by governor on address of 2/3rds of each house on grounds not sufficient for impeachment; other means of removal as provided by law. League favors effective removal procedures.

Sec. 11 on court administration provides that Supreme Court responsible for efficient operation; may direct transfer of cases within each level and assign judges between levels; judicial council to prescribe rules of administration not effective until approved by Supreme Court. Supreme Court may establish rules of civil procedure which may be disapproved by resolution of either house; no rule effective until legislature has had opportunity to disapprove at regular session. League supports assignment of judges according to special training and docket needs. League wants uniform code of CRIMINAL AND CIVIL procedure formulated by the Supreme Court with legislative approval. LOBBY FOR CRIMINAL PROCEDURE TO BE INCLUDED IN THIS SECTION. Separation of powers enters here, as the last part of Sec. 11 seems to give the legislature more than a check on judiciary powers.

Sections 12-18 deal with district and county clerks, juries, appeal, and district and county attorneys. (Unanimous jury verdict required in criminal cases.)

Sec. 19: State to pay basic salaries of unified system (does not address the problem of supplementation at all; supplementation possible). League's position is support of a uniform fiscal policy. (See AND NOW ACTION).

Sec. 20: Legislature to prescribe mandatory retirement age; continuation of present retirement benefits.

PLEASE WORK ON SECTIONS 1, 2, and 11 PARTICULARLY.....

General Provisions - Environment is the main section of this article with which the League is concerned -- and we oppose the committee recommendation. We particularly object to the phrase "the protection of the environment and the conservation and development of natural resources of this state . . . ." At several other points in this section it also refers to " . . . all governmental agencies . . . and each person . . . shall conserve and develop all natural resources and energy sources . . . ." Again, " . . . the development of all energy resources of the State including hydro-electric power and fossil and other fuel sources; the conservation and development of the State's forests . . . ." These are all declared "public rights, responsibilities, and purposes . . ." and the Legislature is called on to pass appropriate laws. The League is understandably suspicious of the language of this section and does not regard it as providing adequate safeguards for maintaining and protecting a healthy environment; quite the opposite it seems to equate conservation and development. We would like to see a firmer commitment to careful management and wise use of ALL of our natural resources, not just energy.



GENERAL PROVISIONS CONTINUED

For this reason we are supporting the Doggett proposal (See Comments #9 for his proposal in full) although the League does not have any position on the citizen's right to sue. His proposal does provide for safeguards against its abuse.

This section was voted approval by the committee so the fight will go to the floor when the G. P. article clears the committee. This is an ALL DELEGATES MUST -- so that the section approved at 2nd reading is one with which we can live. It is unlikely any changes will be made after 2nd reading.

The League would find the CRC recommendation a reasonable alternative to the Doggett proposal. Either is preferable to the committee statement.

APPROVED ON 2ND READING ---it will take a 2/3rds vote of the Convention to make any substantive changes in the following articles. The League's efforts here will be to prevent any weakening amendments or alternate submissions being proposed during the 3rd reading proceedings.

Education--While this article is not as strong as we would have liked, it is something we can live with. The danger is that during 3rd Reading efforts may be made to further dilute the concept of "equitable support" and "equal educational opportunity." Because many delegates may not understand the delicate relationship between local enrichment, per pupil allotment vs. weighted pupil allotment, and equal educational opportunity, it may be necessary to explain League's positions in these areas.

The League's school finance position states that we favor weighted pupil allotment which would result in greater funds going to pupils with greater needs. Sec. 3 does not permit this. We also favor a 10% ceiling on local enrichment to ease disparities between rich and poor districts. It is possible that we can achieve this goal in the next legislative session since Sec. 5 states that local enrichment "consistent with law" may be provided. Meanwhile it is important that delegates understand how important it is to the League that "equal educational opportunity" be retained in the new constitution.

Executive--This article is a real plus and most corresponds to League's positions. The two areas that fall short (primary budget power for governor, and a shortened ballot with fewer elected officials) were just too much for the legislators to swallow. The article stacks up:

League position	Article
Gov. limited to 2 4year terms	2 4year terms in succession
Non-presidential election years	4 year terms start 1978
Line of succession clear	Provides for lt. gov. to serve
Gov. with appointment and removal powers over Boards and Commissions	Provides appointment and removal power
Reorganization of boards and commissions	Reorganization plan to be submitted within 2 years of adoption of constitution. State agencies self-destruct in 10 years unless renewed by legislature.

Finance --Until our consensus is jelled there are only two areas of concern to the League in this article. Public funds for public purposes is the way the new article covers welfare and this is the way we want it. There may be a move on 3rd Reading to provide an alternate submission for the voters on welfare. The League is opposed to welfare appearing on the ballot anywhere. We are convinced the legislature needs the freedom to deal with the problems without the restrictions of a constitutional ceiling. The delegates will need to hear from many different groups on this if they are to be convinced that the public supports the way the new article reads. THIS IS HIGH PRIORITY.



It will be surprising if the "good roads people" fade away without one last try at reinstating the good old trusty highway users fund in toto. Without giving this top priority let the delegates know the the section as passed allowing any increase in fuel tax rates to go into general revenue meets with League's approval. This does not reduce the highway fund; it merely puts a lid on it. It can give the legislators a source of revenue to take care of some other pressing needs in the state.

LOCAL GOVERNMENT --While it is unlikely that county home-rule could muster the necessary 2/3rds vote to be put into the body of the article, the League would oppose any attempt to drop it as an alternative submission. At least the voters should have the opportunity to make their wishes known on this important self-governing item. Delegates may try to equate metro-govt. and county home-rule. There are NOT THE SAME AT ALL, and to inject metro govt. here is to raise a false issue.

The League supports ordinance making powers for counties as included in the article.

While we are not satisfied with the section on special districts (too permissive) and tax rate (too restrictive and specific) it is unlikely that they can be changed. It would not hurt to let delegates know what we think, however. HIGH PRIORITY -WHOLE ARTICLE.

Voter Qualifications --The League supports restoration of voting rights to felons as specified in this article. We oppose Sec. 2 (2) requiring property qualifications for voting, however, and a March 24, 1974 U.S. District Court ruling has declared such a requirement unconstitutional in bond elections. (Stone vs. City of Ft. Worth et al.) In the Ft. Worth election property owners rejected the proposal to issue library bonds, but nonproperty owners approved it. Adding the votes of both groups showed that a majority of voters participating favored the bond issue. The court found the bond issue approved. It then declared the state's laws violating the equal protection clause. Make sure that you delegates are aware of this ruling since it is possible that a 2/3rds vote could be mustered to delete this requirement (Sec. 2[2]).

Mode of Amending - Although initiative was a high priority item for the League it met with such strong opposition at every turn it is not worth expending further effort on it. There is no chance it could be reconsidered at 3rd reading. It is not even likely that an alternate submission could gain support.

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(JUDICIARY continued)

Sec. 2: Supreme Court given administrative and rule-making power as in the article or by law. This section upholds the single system created in Sec. 1; phrase "by law" may be troublesome to separation of power purists.

Sec. 3 creates 1 or more courts of appeals; 4 preserves present districts but may be changed in future by law (judicial districts with 1 district court per district); Sec. 5 creates circuit court with 1 or more judges to serve 1 or more counties; 6 gives county judge judicial functions as provided by law.

Sec. 7 preserves JP precincts as they are; League's position is to make peace courts into courts of record. Sec. 8 states that judges in the unified system must be lawyers; those outside (JP's, municipal court judges, county court apart from circuit) do not have to be lawyers. League's position: full time "lawyer" judiciary.

Sec. 9 provides for election of judges in a manner provided by law; nonpartisan election would be possible under this section. Vacancies to be filled by governor with advice and consent of Senate; municipal judges to be selected as provided by law. League's merit selection position almost passed as an alternate submission. It may be possible to get merit selection as an alternate submission on the full convention floor.

Sec. 10 states that qualifications commission to be created; Supreme Court justice may be removed by governor on address of 2/3rds of each house on grounds not sufficient for impeachment; other means of removal as provided by law. League favors effective removal procedures.

Sec. 11 on court administration provides that Supreme Court responsible for efficient operation; may direct transfer of cases within each level and assign judges between levels; judicial council to prescribe rules of administration not effective until approved by Supreme Court. Supreme Court may establish rules of civil procedure which may be disapproved by resolution of either house; no rule effective until legislature has had opportunity to disapprove at regular session. League supports assignment of judges according to special training and docket needs. League wants uniform code of CRIMINAL AND CIVIL procedure formulated by the Supreme Court with legislative approval. LOBBY FOR CRIMINAL PROCEDURE TO BE INCLUDED IN THIS SECTION. Separation of powers enters here, as the last part of Sec. 11 seems to give the legislature more than a check on judiciary powers.

Sections 12-18 deal with district and county clerks, juries, appeal, and district and county attorneys. (Unanimous jury verdict required in criminal cases.)

Sec. 19: State to pay basic salaries of unified system (does not address the problem of supplementation at all; supplementation possible). League's position is support of a uniform fiscal policy. (See AND NOW ACTION).

Sec. 20: Legislature to prescribe mandatory retirement age; continuation of present retirement benefits.

PLEASE WORK ON SECTIONS 1, 2, and 11 PARTICULARLY.....

General Provisions - Environment is the main section of this article with which the League is concerned -- and we oppose the committee recommendation. We particularly object to the phrase "the protection of the environment and the conservation and development of natural resources of this state . . . .". At several other points in this section it also refers to " . . . all governmental agencies . . . and each person . . . shall conserve and develop all natural resources and energy sources . . . ." Again, " . . . the development of all energy resources of the State including hydro-electric power and fossil and other fuel sources; the conservation and development of the State's forests . . . ." These are all declared "public rights, responsibilities, and purposes . . ." and the Legislature is called on to pass appropriate laws. The League is understandably suspicious of the language of this section and does not regard it as providing adequate safeguards for maintaining and protecting a healthy environment; quite the opposite it seems to equate conservation and development. We would like to see a firmer commitment to careful management and wise use of ALL of our natural resources, not just energy.



GENERAL PROVISIONS CONTINUED

For this reason we are supporting the Doggett proposal (See Comments #9 for his proposal in full) although the League does not have any position on the citizen's right to sue. His proposal does provide for safeguards against its abuse.

This section was voted approval by the committee so the fight will go to the floor when the G. P. article clears the committee. This is an ALL DELEGATES MUST -- so that the section approved at 2nd reading is one with which we can live. It is unlikely any changes will be made after 2nd reading.

The League would find the CRC recommendation a reasonable alternative to the Doggett proposal. Either is preferable to the committee statement.

APPROVED ON 2ND READING ---it will take a 2/3rds vote of the Convention to make any substantive changes in the following articles. The League's efforts here will be to prevent any weakening amendments or alternate submissions being proposed during the 3rd reading proceedings.

Education--While this article is not as strong as we would have liked, it is something we can live with. The danger is that during 3rd Reading efforts may be made to further dilute the concept of "equitable support" and "equal educational opportunity." Because many delegates may not understand the delicate relationship between local enrichment, per pupil allotment vs. weighted pupil allotment, and equal educational opportunity, it may be necessary to explain League's positions in these areas.

The League's school finance position states that we favor weighted pupil allotment which would result in greater funds going to pupils with greater needs. Sec. 3 does not permit this. We also favor a 10% ceiling on local enrichment to ease disparities between rich and poor districts. It is possible that we can achieve this goal in the next legislative session since Sec. 5 states that local enrichment "consistent with law" may be provided. Meanwhile it is important that delegates understand how important it is to the League that "equal educational opportunity" be retained in the new constitution.

Executive--This article is a real plus and most corresponds to League's positions. The two areas that fall short (primary budget power for governor, and a shortened ballot with fewer elected officials) were just too much for the legislators to swallow. The article stacks up:

League position	Article
Gov. limited to 2 4year terms	2 4year terms in succession
Non-presidential election years	4 year terms start 1978
Line of succession clear	Provides for lt. gov. to serve
Gov. with appointment and removal powers over Boards and Commissions	Provides appointment and removal power
Reorganization of boards and commissions	Reorganization plan to be submitted within 2 years of adoption of constitution. State agencies self-destruct in 10 years unless renewed by legislature.

Finance --Until our consensus is jelled there are only two areas of concern to the League in this article. Public funds for public purposes is the way the new article covers welfare and this is the way we want it. There may be a move on 3rd Reading to provide an alternate submission for the voters on welfare. The League is opposed to welfare appearing on the ballot anywhere. We are convinced the legislature needs the freedom to deal with the problems without the restrictions of a constitutional ceiling. The delegates will need to hear from many different groups on this if they are to be convinced that the public supports the way the new article reads. THIS IS HIGH PRIORITY.



It will be surprising if the "good roads people" fade away without one last try at reinstating the good old trusty highway users fund in toto. Without giving this top priority let the delegates know the the section as passed allowing any increase in fuel tax rates to go into general revenue meets with League's approval. This does not reduce the highway fund; it merely puts a lid on it. It can give the legislators a source of revenue to take care of some other pressing needs in the state.

LOCAL GOVERNMENT --While it is unlikely that county home-rule could muster the necessary 2/3rds vote to be put into the body of the article, the League would oppose any attempt to drop it as an alternative submission. At least the voters should have the opportunity to make their wishes known on this important self-governing item. Delegates may try to equate metro-govt. and county home-rule. There are NOT THE SAME AT ALL, and to inject metro govt. here is to raise a false issue.

The League supports ordinance making powers for counties as included in the article.

While we are not satisfied with the section on special districts (too permissive) and tax rate (too restrictive and specific) it is unlikely that they can be changed. It would not hurt to let delegates know what we think, however. HIGH PRIORITY -WHOLE ARTICLE.

Voter Qualifications --The League supports restoration of voting rights to felons as specified in this article. We oppose Sec. 2 (2) requiring property qualifications for voting, however, and a March 24, 1974 U.S. District Court ruling has declared such a requirement unconstitutional in bond elections. (Stone vs. City of Ft. Worth et al.) In the Ft. Worth election property owners rejected the proposal to issue library bonds, but nonproperty owners approved it. Adding the votes of both groups showed that a majority of voters participating favored the bond issue. The court found the bond issue approved. It then declared the state's laws violating the equal protection clause. Make sure that you delegates are aware of this ruling since it is possible that a 2/3rds vote could be mustered to delete this requirement (Sec. 2[2]).

Mode of Amending - Although initiative was a high priority item for the League it met with such strong opposition at every turn it is not worth expending further effort on it. There is no chance it could be reconsidered at 3rd reading. It is not even likely that an alternate submission could gain support.

\*\*\*\*\*

LEAGUE OF WOMEN VOTERS OF TEXAS  
CONVENTION OFFICE  
308 W. 15th St., Rm. 308  
Austin, Texas 78701



The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 10, March 29, 1974

Convention Office

APR 1 1974

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1974

## TEXAS CONSTITUTIONAL CONVENTION

311

YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY
Mr. President			Doyle			Lee			Russell		
Adams, D.			Dramberger			Leland			Sage		
Adams, H.			Earle			Lewis			Salem		
Agnich			Edwards			Lombardino			Sanchez		
Aikin			Evans			Longoria			Santiesteban		
Allen, Joe			Finnell			McAlister			Schieffer	X	
Allen, John			Finney			McDonald, F.			Schwartz		
Allred			Foreman			McDonald, T.			Scoggins		
Andujar			Fox			McKinnor			Semos		
Atwell			Gammage			McKnight			Sherman, M.		
Bailey			Garcia			Madla			Sherman, W.		
Baker			Gaston			Maloney			Short		
Bales			Geiger			Martin			Simmons		
Barnhart			Grant			Massey			Slack		
Bigham			Green, F.			Mattox			Snelson		
Bird			Green, R.			Mauzy			Spurlock		
Blake			Hale			Meier			Sullivan		
Blanchard			Hall, A.			Menefee			Sutton		
Blythe			Hall, W.			Mengden			Tarbox		
Bock			Hanna			Miller			Temple		
Boone			Harrington			Montoya			Thompson		
Bowers	X		Harris, E.			Moore			Traeger		
Braecklein			Harris, O.			Munson			Truan		
Brooks			Head			Murray			Tupper		
Bynum			Heatly			Nabers			Uher		
Caldwell			Henderson			Newton	X		Vale		
Calhoun			Hendricks			Nichols			Vecchio		
Canales			Hernandez			Nowlin			Vick		
Cates			Hightower			Nugent			Von Dohlen		
Clark			Hilliard			Ogg			Wallace		
Clayton			Hoestenbach			Olson			Washington		
Clover			Hollowell			Parker, C.			Waters		
Cobb			Howard			Parker, W.			Watson		
Cole			Hubenak			Patman			Weddington		
Coleman			Hudson			Pentony			Whitehead		
Coody			Hutchison			Pe veto			Whitmire		
Cooke			Johnson			Poerner			Wieting		
Craddick			Jones, Gene			Poff			Williams		
Creighton			Jones, G. ant			Powers			Williamson		
Daniel			Jones, L.			Presnal			Willis		
Davis			Kaster			Preston			Wilson		
Denson			Korloth			Ragsdale			Wolff	X	
Denton			Kothmann			Reyes			Wyatt		
Doggett			Kubiak			Reynolds			Bryant		
Donaldson			Laney			Rodriguez	X				
Doran			Lary			Rosson					

X-EXCUSED ABSENCE

**RECORD #2 ADOPTION OF THE MINORITY REPORT #5**  
**TO ART. VIII,**

Failed 79-74, 1 PNV, 26 NV  
 Minority report #5 dealt with Assistance Payments  
 limitations, and called for a ceiling of 2.5 percent of  
 the total state budget to be placed on direct  
 payments to the needy.



## TEXAS CONSTITUTIONAL CONVENTION

1974

YEA N-V NAY

Mr. President \_\_\_\_\_  
 Adams, D. \_\_\_\_\_  
 Adams, H. \_\_\_\_\_  
 Agnich \_\_\_\_\_  
 Aikin \_\_\_\_\_  
 Allen, Joe \_\_\_\_\_  
 Allen, Jo'n \_\_\_\_\_  
 Allred \_\_\_\_\_  
 Andujar \_\_\_\_\_  
 Atwell \_\_\_\_\_  
 Bailey \_\_\_\_\_  
 Baker \_\_\_\_\_  
 Bales \_\_\_\_\_  
 Barnhart \_\_\_\_\_  
 Bigham \_\_\_\_\_  
 Bird \_\_\_\_\_  
 Blake \_\_\_\_\_  
 Blanchard \_\_\_\_\_  
 Blythe \_\_\_\_\_  
 Bock \_\_\_\_\_  
 Boone \_\_\_\_\_  
 Bowers \_\_\_\_\_  
 Braecklein \_\_\_\_\_  
 Brooks \_\_\_\_\_  
 Bynum \_\_\_\_\_  
 Caldwell \_\_\_\_\_  
 Calhoun \_\_\_\_\_  
 Canales \_\_\_\_\_  
 Cates \_\_\_\_\_  
 Clark \_\_\_\_\_  
 Clayton \_\_\_\_\_  
 Clower \_\_\_\_\_  
 Cobb \_\_\_\_\_  
 Cole \_\_\_\_\_  
 Coleman \_\_\_\_\_  
 Coody \_\_\_\_\_  
 Cooke \_\_\_\_\_  
 Craddick \_\_\_\_\_  
 Creighton \_\_\_\_\_  
 Daniel \_\_\_\_\_  
 Davis \_\_\_\_\_  
 Denson \_\_\_\_\_  
 Denton \_\_\_\_\_  
 Doggett \_\_\_\_\_  
 Donaldson \_\_\_\_\_  
 Doran \_\_\_\_\_

YEA N-V NAY

Doyle \_\_\_\_\_  
 Dramberger \_\_\_\_\_  
 Earle \_\_\_\_\_  
 Edwards \_\_\_\_\_  
 Evans \_\_\_\_\_  
 Fennell \_\_\_\_\_  
 Finney \_\_\_\_\_  
 Foreman \_\_\_\_\_  
 Fox \_\_\_\_\_  
 Gammage \_\_\_\_\_  
 Garcia \_\_\_\_\_  
 Gaston \_\_\_\_\_  
 Geiger \_\_\_\_\_  
 Grant \_\_\_\_\_  
 Green, F. \_\_\_\_\_  
 Green, R. \_\_\_\_\_  
 Hale \_\_\_\_\_  
 Hall, A. \_\_\_\_\_  
 Hall, W. \_\_\_\_\_  
 Hanna \_\_\_\_\_  
 Harrington \_\_\_\_\_  
 Harris, E. \_\_\_\_\_  
 Harris, O. \_\_\_\_\_  
 Head \_\_\_\_\_  
 Heatly \_\_\_\_\_  
 Henderson \_\_\_\_\_  
 Hendricks \_\_\_\_\_  
 Hernandez \_\_\_\_\_  
 Hightower \_\_\_\_\_  
 Hilliard \_\_\_\_\_  
 Hoestenbach \_\_\_\_\_  
 Hollowell \_\_\_\_\_  
 Howard \_\_\_\_\_  
 Hubenak \_\_\_\_\_  
 Hudson \_\_\_\_\_  
 Hutchison \_\_\_\_\_  
 Johnson \_\_\_\_\_  
 Jones, Gene \_\_\_\_\_  
 Jones, Grant \_\_\_\_\_  
 Jones, L. \_\_\_\_\_  
 Kaster \_\_\_\_\_  
 Koriath \_\_\_\_\_  
 Kothmann \_\_\_\_\_  
 Kubiak \_\_\_\_\_  
 Laney \_\_\_\_\_  
 Lary \_\_\_\_\_

YEA N-V NAY

Lee \_\_\_\_\_  
 Leland \_\_\_\_\_  
 Lewis \_\_\_\_\_  
 Lombardino \_\_\_\_\_  
 Longoria \_\_\_\_\_  
 McAlister \_\_\_\_\_  
 McDonald, F. \_\_\_\_\_  
 McDonald, T. \_\_\_\_\_  
 McKinnon \_\_\_\_\_  
 McKnight \_\_\_\_\_  
 Madla \_\_\_\_\_  
 Maloney \_\_\_\_\_  
 Martin \_\_\_\_\_  
 Massey \_\_\_\_\_  
 Mattox \_\_\_\_\_  
 Mouzy \_\_\_\_\_  
 Meier \_\_\_\_\_  
 Menefee \_\_\_\_\_  
 Mengden \_\_\_\_\_  
 Miller \_\_\_\_\_  
 Montoya \_\_\_\_\_  
 Moore \_\_\_\_\_  
 Munson \_\_\_\_\_  
 Murray \_\_\_\_\_  
 Nabers \_\_\_\_\_  
 Newton \_\_\_\_\_  
 Nichols \_\_\_\_\_  
 Nowlin \_\_\_\_\_  
 Nugent \_\_\_\_\_  
 Ogg \_\_\_\_\_  
 Olson \_\_\_\_\_  
 Parker, C. \_\_\_\_\_  
 Parker, W. \_\_\_\_\_  
 Patman \_\_\_\_\_  
 Pentony \_\_\_\_\_  
 Peveto \_\_\_\_\_  
 Poerner \_\_\_\_\_  
 Poff \_\_\_\_\_  
 Powers \_\_\_\_\_  
 Presnal \_\_\_\_\_  
 Preston \_\_\_\_\_  
 Reigsdale \_\_\_\_\_  
 Reyes \_\_\_\_\_  
 Reynolds \_\_\_\_\_  
 Rodriguez \_\_\_\_\_  
 Rosson \_\_\_\_\_

YEA N-V NAY

Russell \_\_\_\_\_  
 Sage \_\_\_\_\_  
 Salem \_\_\_\_\_  
 Sanchez \_\_\_\_\_  
 Santiesteban \_\_\_\_\_  
 Schieffer \_\_\_\_\_  
 Schwartz \_\_\_\_\_  
 Scoggins \_\_\_\_\_  
 Semos \_\_\_\_\_  
 Sherman, M. \_\_\_\_\_  
 Sherman, W. \_\_\_\_\_  
 Short \_\_\_\_\_  
 Simmons \_\_\_\_\_  
 Slack \_\_\_\_\_  
 Snelson \_\_\_\_\_  
 Spurlock \_\_\_\_\_  
 Sullivant \_\_\_\_\_  
 Sutton \_\_\_\_\_  
 Tarbox \_\_\_\_\_  
 Temple \_\_\_\_\_  
 Thompson \_\_\_\_\_  
 Traeger \_\_\_\_\_  
 Truan \_\_\_\_\_  
 Tupper \_\_\_\_\_  
 Uher \_\_\_\_\_  
 Vale \_\_\_\_\_  
 Vecchio \_\_\_\_\_  
 Vick \_\_\_\_\_  
 Von Dohlen \_\_\_\_\_  
 Wallace \_\_\_\_\_  
 Washington \_\_\_\_\_  
 Waters \_\_\_\_\_  
 Watson \_\_\_\_\_  
 Weddington \_\_\_\_\_  
 Whitehead \_\_\_\_\_  
 Whitmire \_\_\_\_\_  
 Wieting \_\_\_\_\_  
 Williams \_\_\_\_\_  
 Williamson \_\_\_\_\_  
 Willis \_\_\_\_\_  
 Wilson \_\_\_\_\_  
 Wolff \_\_\_\_\_  
 Wyatt \_\_\_\_\_  
 Bryant \_\_\_\_\_  
 X-Excused  
 Absence

# H 6 Adoption of the Sullivant Amendment to Art VIII

Passed 89-76, 2 P.N.V., 13 N.V.

This offers the voters the opportunity to vote on the highway fund issue as a separate proposal from the rest of the Constitution. If this proposal passes and the other parts of the new constitution fail, this proposal will be incorporated into the 1876 document. See page 1 for further comments.



COMMENTS, no. 10, p. 4

Committee Activities -- Legislature continued

- \*Salary of \$8750 per year plus per diem and travel.
- \*Annual sessions not to exceed 180 days; special session may be called by 2/3rds petition of members of each house. Special session may not exceed 30 days and deals with matters in petition only. Gov. may also call special sessions.
- \*Organization and procedure.
- \*Legislative immunity.
- \*Conflict of interest; prohibits members to have pecuniary interest in any contract with the state.
- \*Bills
- \*Local and special laws--may not be enacted if a general law is or can be made applicable. Notice of intent required.
- \*Impeachment.
- \*Advice and consent of Senate requires 2/3rds of membership.
- \*Maximum rates of interest, usury.

Alternative provision on compensation calling for a Salary commission of nine members appointed by governor to serve 6 year terms.

CONTACT YOUR DELEGATE THIS WEEK TO REMOVE THE SALARY AMOUNT FROM THE CONSTITUTION!  
Urge your delegate to SUPPORT ANNUAL SESSIONS, SINGLE MEMBER DISTRICTS, CONFLICT OF INTEREST SECTIONS in the committee report.

Judiciary -- Gave administrative authority to the Supreme Court as well as civil rules of procedure. The Court's rules of civil procedure cannot take effect until the legislature has had the opportunity to disapprove. Any rule of civil procedure adopted by the Supreme Court may be disapproved by either House.

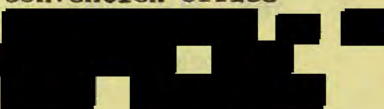
The section on general charge by Mauzy originally approved was taken out on a motion by Powers. The feeling of a slight majority was that the section was statutory in nature.

\*\*\*\*\*

League of Women Voters  
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Aikin			Evans			Longoria			Santiesteban		
Allen, Joe			Finnell			McAlister			Schieffer	X	
Allen, John			Finney			McDonald, F.			Schwartz		
Allred			Foreman			McDonald, T.			Scoggins		
Andujar			Fox			McKinnor			Semos		
Atwell			Gammage			McKnight			Sherman, M.		
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Blythe			Hall, W.			Mengden			Tarbox		
Bock			Hanna			Miller			Temple		
Boone			Harrington			Montoya			Thompson		
Bowers	X		Harris, E.			Moore			Traeger		
Braecklein			Harris, O.			Munson			Truan		
Brooks			Head			Murray			Tupper		
Bynum			Heatly			Nabers			Uher		
Caldwell			Henderson			Newton	X		Vale		
Calhoun			Hendricks			Nichols			Vecchio		
Canales			Hernandez			Nowlin			Vick		
Cates			Hightower			Nugent			Von Dohlen		
Clark			Hilliard			Ogg			Wallace		
Clayton			Hoestenbach			Olson			Washington		
Clover			Hollowell			Parker, C.			Waters		
Cobb			Howard			Parker, W.			Watson		
Cole			Hubenak			Patman			Weddington		
Coleman			Hudson			Pentony			Whitehead		
Coody			Hutchison			Pe veto			Whitmire		
Cooke			Johnson			Poerner			Wieting		
Craddick			Jones, Gene			Poff			Williams		
Creighton			Jones, G. ant			Powers			Williamson		
Daniel			Jones, L.			Presnal			Willis		
Davis			Kaster			Preston			Wilson		
Denson			Koroth			Ragsdale			Wolff	X	
Denton			Kothmann			Reyes			Wyatt		
Doggett			Kubiak			Reynolds			Bryant		
Donaldson			Laney			Rodrigue	X				
Doran			Lary			Rosson					

X-EXCUSED ABSENCE

## RECORD #2 ADOPTION OF THE MINORITY REPORT #5

TO ART. VIII,

Failed 79-74, 1PNV, 26NV  
 Minority report #5 dealt with Assistance Payments  
 limitations, and called for a ceiling of 2.5 percent of  
 the total state budget to be placed on direct  
 payments to the needy.



## TEXAS CONSTITUTIONAL CONVENTION

1974

YEA N-V NAY

Mr. President  
 Adams, D.  
 Adams, H.  
 Agnich  
 Aikin  
 Allen, Joe  
 Allen, John  
 Allred  
 Andujar  
 Atwell  
 Bailey  
 Baker  
 Bales  
 Barnhart  
 Bigham  
 Bird  
 Blake  
 Blanchard  
 Blythe  
 Bock  
 Boone  
 Bowers  
 Braecklein  
 Brooks  
 Bynum  
 Caldwell  
 Calhoun  
 Canales  
 Cates  
 Clark  
 Clayton  
 Clower  
 Cobb  
 Cole  
 Coleman  
 Coody  
 Cooke  
 Craddick  
 Creighton  
 Daniel  
 Davis  
 Denson  
 Denton  
 Doggett  
 Donaldson  
 Doran

YEA N-V NAY

Doyle  
 Dramberger  
 Earle  
 Edwards  
 Evans  
 Fennell  
 Finney  
 Foreman  
 Fox  
 Gammage  
 Garcia  
 Gaston  
 Geiger  
 Grant  
 Green, F.  
 Green, R.  
 Hale  
 Hall, A.  
 Hall, W.  
 Hanna  
 Harrington  
 Harris, E.  
 Harris, O.  
 Head  
 Heatly  
 Henderson  
 Hendricks  
 Hernandez  
 Hightower  
 Hilliard  
 Hoestenbach  
 Hollowell  
 Howard  
 Hubenak  
 Hudson  
 Hutchison  
 Johnson  
 Jones, Gene  
 Jones, Grant  
 Jones, L.  
 Kaster  
 Koriath  
 Kothmann  
 Kubiak  
 Laney  
 Lary

YEA N-V NAY

Lee  
 Leland  
 Lewis  
 Lombardino  
 Longoria  
 McAliste  
 McDonald, F.  
 McDonald, T.  
 McKinnon  
 McKnight  
 Madla  
 Maloney  
 Martin  
 Massey  
 Mattox  
 Mauzy  
 Meier  
 Menefee  
 Mengden  
 Miller  
 Montoya  
 Moore  
 Munson  
 Murray  
 Nobers  
 Newton  
 Nichols  
 Nowlin  
 Nugent  
 Ogg  
 Olson  
 Parker, C.  
 Parker, W.  
 Patman  
 Pentony  
 Peveto  
 Poerner  
 Poff  
 Powers  
 Presnal  
 Preston  
 Ragsdale  
 Reyes  
 Reynolds  
 Rodriguez  
 Rosson

YEA N-V NAY

Russell  
 Sage  
 Salem  
 Sanchez  
 Santiesteban  
 Schieffer  
 Schwartz  
 Scoggins  
 Semos  
 Sherman, M.  
 Sherman, W.  
 Short  
 Simmons  
 Slack  
 Snelson  
 Spurlock  
 Sullivan  
 Sutton  
 Tarbox  
 Temple  
 Thompson  
 Traeger  
 Truan  
 Tupper  
 Uher  
 Vale  
 Vecchio  
 Vick  
 Von Dohlen  
 Wallace  
 Washington  
 Waters  
 Watson  
 Weddington  
 Whitehead  
 Whitmire  
 Wieting  
 Williams  
 Williamson  
 Willis  
 Wilson  
 Wolff  
 Wyatt  
 Bryant  
 X- Excused  
 Absence

# # 6 Adoption of the Sullivan Amendment to Art VIII

Passed 89-76, 2 P.N.V., 13 N.V.

This offers the voters the opportunity to vote on the highway fund issue as a separate proposal from the rest of the Constitution. If this proposal passes and the other parts of the new constitution fail, this proposal will be incorporated into the 1876 document. See page 1 for further comments.



COMMENTS, no. 10, p. 4

Committee Activities -- Legislature continued

- \*Salary of \$8750 per year plus per diem and travel.
  - \*Annual sessions not to exceed 180 days; special session may be called by 2/3rds petition of members of each house. Special session may not exceed 30 days and deals with matters in petition only. Gov. may also call special sessions.
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  - \*Legislative immunity.
  - \*Conflict of interest; prohibits members to have pecuniary interest in any contract with the state.
  - \*Bills
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  - \*Impeachment.
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  - \*Maximum rates of interest, usury.
- Alternative provision on compensation calling for a Salary commission of nine members appointed by governor to serve 6 year terms.

CONTACT YOUR DELEGATE THIS WEEK TO REMOVE THE SALARY AMOUNT FROM THE CONSTITUTION!  
Urge your delegate to SUPPORT ANNUAL SESSIONS, SINGLE MEMBER DISTRICTS, CONFLICT OF INTEREST SECTIONS in the committee report.

Judiciary -- Gave administrative authority to the Supreme Court as well as civil rules of procedure. The Court's rules of civil procedure cannot take effect until the legislature has had the opportunity to disapprove. Any rule of civil procedure adopted by the Supreme Court may be disapproved by either House.

The section on general charge by Mauzy originally approved was taken out on a motion by Powers. The feeling of a slight majority was that the section was statutory in nature.

\*\*\*\*\*

League of Women Voters  
Convention Office  
308 W. 15th, Rm. 305  
Austin, Texas 78701



The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 10, March 29, 1974

APR 1 1974  
Convention Office  
[REDACTED]

\*\*\* The convention will recess from April 6th to May 6th. Delegates also voted to extend the convention 60 days making the closing date July 30th. They hope to finish the Local Government and Legislature articles before recess, leaving Judiciary, Separation of Powers, and General Provisions for when they return. Study the provisions that have passed, know your League positions, and use this recess to advantage to lobby. There are still many important votes coming up on 3rd reading, and the final document must pass with a 2/3rds vote.

#### Convention Activities

Finance - This article passed 2nd reading 93-67 with only minimal changes despite innumerable attempts to amend various sections. It remains silent on income tax and grants a mandatory \$3000 exemption from homestead ad valorem taxes for persons over 65.

Several attempts made to include a welfare ceiling failed by fewer than 10 votes each. Minority report No. 5 would have placed a ceiling of 2.5% of the total state budget on direct payments to the needy, excluding medical care. It provided that if the limit conflicted with receipt of federal matching funds it could be changed. See p. 2 for the roll call vote on this report.

Two other attempts were made to place a ceiling in the constitution. One proposal by Hollowell calling for a ceiling of \$50 million was tabled 87-76, 1 PNV, 16 NV. Another proposal by Rosson calling for a ceiling of \$60 million was tabled 89-73, 1 PNV, 17 NV.

The "good roads" block cracked slightly and a lid was placed on the highway fund. The Sullivant amendment, basically the same as his minority report no. 4 which had failed, leaves the fund untouched, but provides that any future raise in the rates of tax on fuels will go to general revenue. This proposal will be offered to the voters as a separate alternative and will either amend the new constitution, or if that fails, it will amend the 1876 constitution. See p. 3 for the roll call vote.

Local Government - Debate has just begun on this article and it is crucial that you contact your delegates immediately. See COMMENTS no. 9 for a run-down of the committee report. Review AND NOW ACTION for League positions. The League wants:

- \* passage of home rule;
- \* ordinance making powers for counties retained as in the committee report;
- \* proliferation of special districts stopped;
- \* special districts within county boundary created by general law only;
- \* special districts accountable to general type government;
- \* tax ceiling on cities and counties to be statutory.

WRITE OR PHONE NOW -- THEY RECESS ON APRIL 6th.

#### Committee Activities

Legislature - Next on the Floor, passed the committee 20-3. In brief:

- \* Establishes a bicameral legislature.
- \* Senate consists of 40-60 members; House consists of 120-180 members.
- \* Establishes qualifications.
- \* Terms of office -- 4 yrs. for Senate; 2 for House.
- \* Redistricting -- single member senatorial and single member representative. If legislature's redistricting plans rejected, legislature is automatically called into special session to draw up another plan. If that fails, the Texas Supreme Court will redistrict.





YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY
Mr. President			Doyle			Lee			Russell		
Adams, D.			Dramberger			Leland			Sage		
Adams, H.			Earle			Lewis			Salem		
Agnich			Edwards			Lombardino			Sanchez		
Aikin			Evans			Longoria			Santiesteban		
Allen, Joe			Finnell			McAlister			Schieffer	X	
Allen, John			Finney			McDonald, F.			Schwartz		
Allred			Foreman			McDonald, T.			Scoggins		
Andujar			Fox			McKinnor			Semos		
Atwell			Gammage			McKnight			Sherman, M.		
Bailey			Garcia			Madla			Sherman, W.		
Baker			Gaston			Maloney			Short		
Bales			Geiger			Martin			Simmons		
Barnhart			Grant			Massey			Slack		
Bigham			Green, F.			Mattox			Snelson		
Bird			Green, R.			Mauzy			Spurlock		
Blake			Hale			Meier			Sullivan		
Blanchard			Hall, A.			Menefee			Sutton		
Blythe			Hall, W.			Mengden			Tarbox		
Bock			Hanna			Miller			Temple		
Boone			Harrington			Montoya			Thompson		
Bowers	X		Harris, E.			Moore			Traeger		
Braecklein			Harris, O.			Munson			Truan		
Brooks			Head			Murray			Tupper		
Bynum			Heatly			Nabers			Uher		
Caldwell			Henderson			Newton	X		Vale		
Calhoun			Hendricks			Nichols			Vecchio		
Canales			Hernandez			Nowlin			Vick		
Cates			Hightower			Nugent			Von Dohlen		
Clark			Hilliard			Ogg			Wallace		
Clayton			Hoestenbach			Olson			Washington		
Clover			Hollowell			Parker, C.			Waters		
Cobb			Howard			Parker, W.			Watson		
Cole			Hubenak			Patman			Weddington		
Coleman			Hudson			Pentony			Whitehead		
Coody			Hutchison			Pevelto			Whitmire		
Cooke			Johnson			Poerner			Wieting		
Craddick			Jones, Gene			Poff			Williams		
Creighton			Jones, G. ant			Powers			Williamson		
Daniel			Jones, L.			Presnal			Willis		
Davis			Kaster			Preston			Wilson		
Denson			Korloth			Ragsdale			Wolff	X	
Denton			Kothmann			Reyes			Wyatt		
Doggett			Kubiak			Reynolds			Bryant		
Donaldson			Laney			Rodrigue	X				
Doran			Lary			Rosson					

X-EXCUSED ABSENCE

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## TEXAS CONSTITUTIONAL CONVENTION

1974

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 Aikin \_\_\_\_\_  
 Allen, Joe \_\_\_\_\_  
 Allen, John \_\_\_\_\_  
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YEA N-V NAY

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YEA N-V NAY

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 Lewis \_\_\_\_\_  
 Lombardino \_\_\_\_\_  
 Longoria \_\_\_\_\_  
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 Montoya \_\_\_\_\_  
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 Nowlin \_\_\_\_\_  
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 Parker, W. \_\_\_\_\_  
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 Poff \_\_\_\_\_  
 Powers \_\_\_\_\_  
 Presnal \_\_\_\_\_  
 Preston \_\_\_\_\_  
 Ragsdale \_\_\_\_\_  
 Reyes \_\_\_\_\_  
 Reynolds \_\_\_\_\_  
 Rodriguez \_\_\_\_\_  
 Rosson \_\_\_\_\_

YEA N-V NAY

Russell \_\_\_\_\_  
 Sage \_\_\_\_\_  
 Salem \_\_\_\_\_  
 Sanchez \_\_\_\_\_  
 Santiesteban \_\_\_\_\_  
 Schieffer \_\_\_\_\_  
 Schwartz \_\_\_\_\_  
 Scoggins \_\_\_\_\_  
 Semas \_\_\_\_\_  
 Sherman, M. \_\_\_\_\_  
 Sherman, W. \_\_\_\_\_  
 Short \_\_\_\_\_  
 Simmons \_\_\_\_\_  
 Slack \_\_\_\_\_  
 Snelson \_\_\_\_\_  
 Spurlock \_\_\_\_\_  
 Sullivant \_\_\_\_\_  
 Sutton \_\_\_\_\_  
 Tarbox \_\_\_\_\_  
 Temple \_\_\_\_\_  
 Thompson \_\_\_\_\_  
 Traeger \_\_\_\_\_  
 Truan \_\_\_\_\_  
 Tupper \_\_\_\_\_  
 Uher \_\_\_\_\_  
 Vale \_\_\_\_\_  
 Vecchio \_\_\_\_\_  
 Vick \_\_\_\_\_  
 Von Dohlen \_\_\_\_\_  
 Wallace \_\_\_\_\_  
 Washington \_\_\_\_\_  
 Waters \_\_\_\_\_  
 Watson \_\_\_\_\_  
 Weddington \_\_\_\_\_  
 Whitehead \_\_\_\_\_  
 Whitmire \_\_\_\_\_  
 Wieting \_\_\_\_\_  
 Williams \_\_\_\_\_  
 Williamson \_\_\_\_\_  
 Willis \_\_\_\_\_  
 Wilson \_\_\_\_\_  
 Wolff \_\_\_\_\_  
 Wyatt \_\_\_\_\_  
 Bryant \_\_\_\_\_  
 X- Excused  
 Absence

## # 6 Adoption of the Sullivant Amendment to Art VIII

Passed 89-76, 2 P.N.V., 13 N.V.

This offers the voters the opportunity to vote on the highway fund issue as a separate proposal from the rest of the Constitution. If this proposal passes and the other parts of the new constitution fail, this proposal will be incorporated into the 1876 document. See page 1 for further comments.



COMMENTS, no. 10, p. 4

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\*\*\*\*\*

League of Women Voters  
Convention Office  
308 W. 15th, Rm. 305  
Austin, Texas 78701



The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 9, March 22, 1974

Convention Office  
[REDACTED]

MAR 25 1974

\*\*\*\* The Convention may adjourn April 5 - May 6 according to Price Daniel.

The Finance Article is being debated heatedly; most attempts at amendment failing so far. One major amendment that has passed makes a \$3000 exemption from ad valorem taxes for persons over 65 years mandatory. This is just a preliminary run-through by the convention but to date sections 1-5 of the committee report have withstood change. See COMMENTS, no. 8, for a run-down on the Finance report.

Executive Article -- passed 2nd reading 136-31, 1 PN. In brief the Article: elects the Gov., Lt. Gov., Attorney General, Comp. of Public Accounts, Treasurer, Comm. of General Land Office for 4 years, with Gov. limited to 2 four yr. terms in succession; allows the governor appointment and removal powers; gov. has special sessions power; makes governor chief planning officer; requires within 2 years of adoption of new constitution that the gov. submit a plan for reorganization of state agencies, and that he report on agencies every other year. (The reorganization plan to be submitted in form of a bill for consideration and vote by both houses.) Restores Bd. of Pardons and Paroles; all state agencies (except Higher Ed.) to have a life of 10 years unless renewed by legislature. In the area of money the governor must submit a budget, and he has budget execution powers as provided by law. He must insure that appropriations are spent as directed by the legislature. The Railroad Commission is out!

All in all this is an article we can live with and support.

Mode of Amending Article -- passed 150-13 in one afternoon -- calls for the question of constitutional revision to be put to the voters every 30 years. Initiative and referendum failed. Delegates to the convention will be elected as provided by law.

#### COMMITTEE ACTIVITIES

Judiciary -- Circuit courts are back in as are JP courts. JP precincts are spelled out in order to preserve local option liquor elections! Delegate Hale is reported saying forces on both sides of the alcoholic beverages issue might work to defeat the constitution if the section were not included. Crucial vote on rules of administration coming up.

Legislature -- This topsy-turvy committee has reversed itself again! In a series of surprise votes they have returned house members to a 2 yr. term after having approved a 4 yr. term; inserted a salary of \$8,750 for legislators; allowed the Senate size to vary between 40-60 and the House between 120-180. Initiative and referendum is still a dead issue. URGE YOUR COMMITTEE DELEGATE TO ELIMINATE SALARIES FROM THE CONSTITUTION.

General Provisions -- Branch banking and growth of holding companies brought additional testimony to the committee. THE LEAGUE WILL NOT SUPPORT THE COMMITTEE PROPOSAL ON THE ENVIRONMENT. We will support Doggett's proposal instead. It reads: "State agencies and political subdivisions shall act as trustees to conserve and maintain for the benefit of all the people the beach, park, historic site, air, and water resources and other resources designated by law. Every person has a fundamental right to protect these resources from pollution, impairment or destruction, enforceable against any party, governmental or private, subject to reasonable limitations as may be provided by law." We are also supporting the open beaches section proposed by Wilson and approved by the GP committee. The section is up for reconsideration by the committee and is threatened by special interest groups who would like to see the beach developed by private interests. The Wilson proposal would preserve state owned beaches and prevent them from being sold. WRITE to assure the continuity of the present public beach policy.

\*\*\* President Daniel is taking steps to prevent delegates who are not present from casting votes!



TIME FOR ACTION      TIME FOR ACTION      TIME FOR ACTION

Local Government - Just out of committee, this article will offer home rule as a side issue. The league will work to reincorporate county home rule in to the body of the article. Contact your delegates this weekend since this report will come before the convention early next week. The League believes that county residents should have several options in choosing a form of government that suits their needs and preferences. ACT NOW.

The league also approves the ordinance making powers given to counties, and we applaud the powers given to voters in Sec. 3f to consolidate, eliminate, and add offices in county govt. and to do the same to their duties and functions.

The League would like the tax ceiling limits taken out since they are statutory by nature. We favor greater accountability to and regulation by the state of single-purpose districts.

Sec. 7, Special Districts, allows the legislature to provide for special districts and authorities by general law or local law. Counties, cities and towns may provide for special districts and authorities within their boundaries if authorized by general law. They may be created for public purposes; notice of intention to introduce such a bill must be given as prescribed by law; not applicable to schools or junior and community college districts.

Sec. 10 (formerly 11) on tax rates and debt limitations sets ad valorem ceiling for purposes other than debt service at \$2.00 per \$100 of assessed valuation for cities at \$1.25 for counties. No ad valorem tax may be levied for purposes other than debt service by any special districts unless a maximum annual tax rate has been approved by a majority of voters in the district. Political subdivisions may levy an additional annual ad valorem tax to pay interest and principal on interest bearing obligations. The Legislature to establish maximum amounts of interest bearing obligations payable from ad valorem taxes issued by cities, towns, counties, school districts and junior or community college districts [note special districts not mentioned]. No interest bearing obligations payable from ad valorem taxes, other than refunding obligations, may be issued by all school and special districts unless authorized by voters. Provision for paying interest and principal must be made at time a political subdivision creates a debt. Ad valorem taxes levied by special districts and authorities created by counties, cities, and towns shall not be counted as part of the ad valorem tax limits imposed on such by this section.

REMIND YOUR DELEGATE TO REMOVE THE WELFARE CEILING FROM THE CONSTITUTION!!!!!!

\*\*\*\*\*

LEAGUE OF WOMEN VOTERS OF TEXAS

CONVENTION OFFICE

308 W. 15th, Rm. 305

Austin, Tx. 78701



MAR 25 1974

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#### COMMITTEE ACTIVITIES

Judiciary -- Circuit courts are back in as are JP courts. JP precincts are spelled out in order to preserve local option liquor elections! Delegate Hale is reported saying forces on both sides of the alcoholic beverages issue might work to defeat the constitution if the section were not included. Crucial vote on rules of administration coming up.

Legislature -- This topsy-turvy committee has reversed itself again! In a series of surprise votes they have returned house members to a 2 yr. term after having approved a 4 yr. term; inserted a salary of \$8,750 for legislators; allowed the Senate size to vary between 40-60 and the House between 120-180. Initiative and referendum is still a dead issue. URGE YOUR COMMITTEE DELEGATE TO ELIMINATE SALARIES FROM THE CONSTITUTION.

General Provisions -- Branch banking and growth of holding companies brought additional testimony to the committee. THE LEAGUE WILL NOT SUPPORT THE COMMITTEE PROPOSAL ON THE ENVIRONMENT. We will support Doggett's proposal instead. It reads: "State agencies and political subdivisions shall act as trustees to conserve and maintain for the benefit of all the people the beach, park, historic site, air, and water resources and other resources designated by law. Every person has a fundamental right to protect these resources from pollution, impairment or destruction, enforceable against any party, governmental or private, subject to reasonable limitations as may be provided by law." We are also supporting the open beaches section proposed by Wilson and approved by the GP committee. The section is up for reconsideration by the committee and is threatened by special interest groups who would like to see the beach developed by private interests. The Wilson proposal would preserve state owned beaches and prevent them from being sold. WRITE to assure the continuity of the present public beach policy.

\*\*\* President Daniel is taking steps to prevent delegates who are not present from casting votes!



TIME FOR ACTION

TIME FOR ACTION

TIME FOR ACTION

Local Government - Just out of committee, this article will offer home rule as a side issue. The league will work to reincorporate county home rule in to the body of the article. Contact your delegates this weekend since this report will come before the convention early next week. The League believes that county residents should have several options in choosing a form of government that suits their needs and preferences. ACT NOW.

The league also approves the ordinance making powers given to counties, and we applaud the powers given to voters in Sec. 3f to consolidate, eliminate, and add offices in county govt. and to do the same to their duties and functions.

The League would like the tax ceiling limits taken out since they are statutory by nature. We favor greater accountability to and regulation by the state of single-purpose districts.

Sec. 7, Special Districts, allows the legislature to provide for special districts and authorities by general law or local law. Counties, cities and towns may provide for special districts and authorities within their boundaries if authorized by general law. They may be created for public purposes; notice of intention to introduce such a bill must be given as prescribed by law; not applicable to schools or junior and community college districts.

Sec. 10 (formerly 11) on tax rates and debt limitations sets ad valorem ceiling for purposes other than debt service at \$2.00 per \$100 of assessed valuation for cities at \$1.25 for counties. No ad valorem tax may be levied for purposes other than debt service by any special districts unless a maximum annual tax rate has been approved by a majority of voters in the district. Political subdivisions may levy an additional annual ad valorem tax to pay interest and principal on interest bearing obligations. The Legislature to establish maximum amounts of interest bearing obligations payable from ad valorem taxes issued by cities, towns, counties, school districts and junior or community college districts [note special districts not mentioned]. No interest bearing obligations payable from ad valorem taxes, other than refunding obligations, may be issued by all school and special districts unless authorized by voters. Provision for paying interest and principal must be made at time a political subdivision creates a debt. Ad valorem taxes levied by special districts and authorities created by counties, cities, and towns shall not be counted as part of the ad valorem tax limits imposed on such by this section.

REMIND YOUR DELEGATE TO REMOVE THE WELFARE CEILING FROM THE CONSTITUTION!!!!!!

\*\*\*\*\*

LEAGUE OF WOMEN VOTERS OF TEXAS

CONVENTION OFFICE

308 W. 15th, Rm. 305

Austin, Tx. 78701



The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 8  
March 15, 1974

MAR 18 1974

Convention Office

A somber mood prevailed at the Convention this week with the untimely death of Rep. Hawkins Menefee. The Convention recessed Wednesday and Thursday in honor of his memory. A memorial service was held in the Convention Hall at 9:30 Thursday morning. This freshman legislator had made a significant mark in his brief political career. He represented the citizen and worked effectively for good legislation. The LWV of Texas will miss his cooperation and dedication.

#### CONVENTION

After several days of heated debate and confusing amendments, the Convention has come about half way through its discussion of the Executive Article. The major changes in the committee report consist of restoring the Treasurer as an elected officer, limiting the Governor to 2 four year terms in succession, and giving the Governor authority to remove state agency appointees. In the latter issue, the governor will have to provide the Senate with an explanation as to the reason for removal, and the Senate may refuse to allow the removal by a majority vote within 45 days of notice.

Administrative reorganization is being debated today; still ahead are budget and budget execution powers, renewal of state agencies. The Article is expected to be completed on 2nd reading in a few days.

Mode of Amending the Constitution, Article XI, will be next on the Floor. Initiative and referendum were left out of this report, but it does call for the question of constitutional revision being put before the voters every 20 years. If a convention is called, it requires that each representative district elect one delegate. There is no prohibition on public officials serving.

#### COMMITTEE ACTIVITIES

Finance - Next report to come before the Convention following Article XI; it was submitted with 7 minority reports, which seems to promise a lot of debate. Because of the current finance consensus going in League meetings we thought you might like a brief run down on what the committee has produced, subject to change by the Convention, of course. The report passed the committee 21-0.

Sec. 1 - General law to levy and collect taxes.

Sec. 2 - Ad valorem taxation to be equal and uniform on all real property and tangible personal property; establishment and enforcement of statewide uniform appraisal standards and procedures; county made responsible for providing uniform appraisals for all taxing authorities within border; legislature may release ad valorem taxes delinquent 10 years; gross assessment of rolling stock of railroads in county of principal office.

Sec. 3 - Separate appraisal formulas based on productivity allowed for preservation of open space lands devoted to farm, ranch, and timber production.

Sec. 4 - A long list of ad valorem tax exemptions including state property and other public property, all household goods and personal effects not used for income, farm products in hands of producer, at least \$3000 for homestead. The Legislature may also pass laws exempting property used for educational, charitable or religious purposes, property owned by a nonprofit water supply corp. not held for profit, property of disabled veterans. They may also provide relief from taxation for persons in need, subject to approval by the subdivision affected, and provide reimbursement to that political subdivision for revenue losses. Legislature may by law grant tax relief and authorize political subdivisions to grant tax relief for preservation of cultural, historical or natural history resources.

Sec. 5 - Citizens may appeal ad valorem tax to appropriate court after paying under protest.



- Sec. 6 - Highway user funds, 3/4ths to roads, 1/4th to Available School Fund; Receipts from other non-dedicated taxes may be used for mass transit and establishment of local transit authorities; 1/4th of state occupation tax to go to Available School Fund.
- Sec. 7 - Debate must be authorized as provided in constitution -- means bonds and other indebtedness to be repaid from tax revenues, fees, tuition, or other charges of state or institution. Does not include debt repaid by charges of the project financed. Debt may be authorized by 2/3rds vote of each house and majority vote of citizens. May also be authorized to refund outstanding state debt.
- Sec. 8 - Preserves pay-as-you-go. Appropriation in excess of estimated revenue may be made only in response to imperative public necessity and approved by 4/5ths vote of the membership of each house.
- Sec. 9 - Public funds for public purposes.
- Sec. 10- Public purpose means purposes for which taxes could be levied or public credit used before the adoption of the constitution.
- Sec. 11- Annual report of receipts and expenditures of dedicated funds.

WELFARE CEILING -- One of the minority reports that went in with the Finance Committee report sets a ceiling of 2.5% of the state budget for any 1 year for direct assistance payments. It does provide that the legislature may change the ceiling if it conflicts with federal law or prevents matching funds. IT IS TIME FOR YOU TO REMIND YOUR DELEGATES THAT THE LEAGUE OPPOSES ANY CEILING IN THE CONSTITUTION. We favor the Majority report leaving public funds for public purposes. Delegates signing the minority report were Grant Jones, Ike Harris, Lary, Doyle, Agnich, Whitehead, Nugent.

HIGHWAY USER FUNDS --Three of the finance minority reports are attempts to permit some of the revenue from the sale of motor fuels and vehicle registration to be put in general revenue or reallocated between roads and schools. Delegates signing one or all of the minority reports were: Bird, Truan, Doyle, Denton, Temple, Parker, Sullivant, Brooks, Hall, Waters, Luther Jones.

Legislature - Final vote on committee report coming up shortly. Includes section on initiative and referendum which calls for petition of at least 10% of the total vote cast in the last gubernatorial election. The measure is adopted if it is approved by a majority of those voting, and if the total votes cast in the election equal 1/3rd of the votes cast for governor in the preceding election.

General Provisions - Family protection proposal passed last week was tabled. Passed was a proposal by Mauzy that would prohibit the state or other persons from infringing on a person's right to privacy -- aimed at bugging and other electronic devices.

Judiciary - Big News - Texas Trial Lawyers has decided to support merger after vigorously opposing it. No word yet on merit selection -- HAVE YOU CONTACTED YOUR DELEGATE?????????

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Convention Office  
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The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 7, March 8, 1974

Convention Office  
308 W. 15th St., Rm. 305  
Austin, Texas 78701  
Telephone: 512- 472-2900

MAR 11 1974

#### CONVENTION PASSES TWO ARTICLES ON 2ND READING

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The final whole Constitution must be approved by a 2/3rds vote of the convention. Several weeks ago Delegate Hale recommended to the rules committee that a 2/3rds vote on each article be made mandatory earlier in the proceedings so that compromises would be made and conflicts mitigated before the final vote. No action has been taken so far. The narrow margin by which the Education Article passed is a case in point.

#### THE EDUCATION ARTICLE:

- Sec. 1: Calls for an "equitable" support of free public schools furnishing "each individual an equal educational opportunity."
- Sec. 2: Maintains the Permanent and Available School Funds. Calls for per pupil allotment of the Available Fund.
- Sec. 3: Maintains a County School Fund.
- Sec. 4: Calls for an elected State Board of Education.
- Sec. 5: Provides for School and community junior college districts and for local enrichment "consistent with general law."
- Sec. 6: Calls for "1st class" higher education system.
- Sec. 7: Maintains Permanent University Fund for U. T. and A & M systems.
- Sec. 8: Authority to issue bonds on PUF.
- Sec. 9: Establishes the State Higher Education Assistance Fund linking the amount of bonds to be raised to the Permanent University Fund and placing the SHEAF under the control of the legislature.

Rejected were a new section prohibiting discrimination in the allocation of funds for public education; a new fund for technical and vocational education; constitutional status for the Coordinating Board.

#### VOTER QUALIFICATIONS: Article VI, passed 112-50,3 PNV, 16 NV.

- Sec. 1: Provides vote for 18 year olds, also restores voting rights to felons who have completed their sentences.
- Sec. 2: Legislature may make property ownership an additional requirement in bond elections in political subdivisions or in elections for a special or limited purpose "whose activities have a disproportionate effect on property owners."
- Sec. 3: Elections by secret ballot and protection of purity of the ballot.
- Sec. 4: General elections in even-numbered years.

The League has sent out a press release indicating our support of the article except for reservations about Sec. 2.

EXECUTIVE: Currently before the Convention. The Treasurer has been restored as a constitutional office (elective).

#### Committee Activities

General Provisions - Passed a right-to-work provision similar to the current statute. Prohibits union contracts that make union membership a requirement for working.

Passed a family protection provision that states, "the legislature may pass appropriate general laws to protect the traditional family structure." Equal rights for women supporters see this as undermining their position.



# TEXAS CONSTITUTIONAL CONVENTION

1974

587

YEA N-V NAY

Mr. President  
Adams, B.  
Adams, H.  
Agnich  
Aikin  
Allen, Joe  
Allen, John  
Allred  
Andujar  
Atwell  
Bailey  
Baker  
Bales  
Barnhart  
Bigham  
Bird  
Blake  
Blanchard  
Blythe  
Bock  
Boone  
Bowers  
Braecklein  
Brooks  
Bynum  
Caldwell  
Calhoun  
Canales  
Cates  
Clark  
Clayton  
Clower  
Cobb  
Cole  
Coleman  
Coody  
Cooke  
Craddick  
Creighton  
Daniel  
Davis  
Denson  
Denton  
Doggett  
Donaldson  
Doran

YEA N-V NAY

Doyle  
Dramberger  
Earle  
Edwards  
Evans  
Finnell  
Finney  
Foreman  
Fox  
Gammage  
Garcia  
Gaston  
Geiger  
Grant  
Green, F.  
Green, R.  
Hale  
Hall, A.  
Hall, W.  
Hanna  
Harrington  
Harris, E.  
Harris, O.  
Head  
Heatly  
Henderson  
Hendricks  
Hernandez  
Hightower  
Hilliard  
Hoestenbach  
Hollowell  
Howard  
Hubenak  
Hudson  
Hutchison  
Johnson  
Jones, Gene  
Jones, Grant  
Jones, L.  
Kaster  
Korioth  
Kothmann  
Kubiak  
Laney  
Lary

YEA N-V NAY

Lee  
Leland  
Lewis  
Lombardino  
Longoria  
McAlister  
McDonald, F.  
McDonald, T.  
McKinnon  
McKnight  
Madla  
Maloney  
Martin  
Massey  
Mattox  
Mauzy  
Meier  
Menefee  
Mengden  
Miller  
Montoya  
Moore  
Munson  
Murray  
Nabers  
Newton  
Nichols  
Nowlin  
Nugent  
Ogg  
Olson  
Parker, C.  
Parker, W.  
Patman  
Pentony  
Pevelo  
Poerner  
Poff  
Powers  
Presnal  
Preston  
Ragsdale  
Reyes  
Reynolds  
Rodriguez  
Rosson

YEA N-V NAY

Russell  
Sage  
Salem  
Sanchez  
Santiesteban  
Schieffer  
Schwartz  
Scoggins  
Semos  
Sherman, M.  
Sherman, W.  
Short  
Simmons  
Slack  
Snelson  
Spurlock  
Sullivan  
Sutton  
Tarbox  
Temple  
Thompson  
Traeger  
Truan  
Tupper  
Uher  
Vale  
Vecchio  
Vick  
Von Dohlen  
Wallace  
Washington  
Waters  
Watson  
Weddington  
Whitehead  
Whitmire  
Wieting  
Williams  
Williamson  
Willis  
Wilson  
Wolff  
Wyatt  
Bryant

X-Excused  
Absence

# 12 Adoption of Art VI

Voter Qualifications & Elections

Yea- 112

TOTALS

Nay- 50 PNV-3 NV-16

YEA	N-V	NAY
100-200	100-200	100-200
0	0	0
1	1	1
2	2	2
3	3	3
4	4	4
5	5	5
6	6	6
7	7	7
8	8	8
9	9	9

ARTICLE	SECTION
Comm.	10
Rep.	20
Subs.	1
Amm.	2
Quo.	3
3 R	4
Subm.	5
Mino.	6
Mot.	7
Alt.	8
Sep.	9
2 R	00

DATE: 1  
JAN 2  
FEB 3  
MAR 1  
APR 2  
MAY 3  
JUN 4  
JUL 5  
AUG 6  
SEP 7  
OCT 8  
NOV 9  
DEC 0



## TEXAS CONSTITUTIONAL CONVENTION

YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY
Mr. President			Doyle		X	Lee			Russell		
Adams, D.	•		Dramberger		•	Leland			Sage		
Adams, H.			Earle			Lewis			Salem		
Agnich	•		Edwards			Lombardino	•		Sanchez		
Aikin			Evans			Longoria	•		Santiesteban		
Allen, Joe			Finnell			McAlister	•		Schieffer		
Allen, John			Finney			McDonald, F.	•		Schwartz		
Allred	•		Foreman			McDonald, T.	•		Scoggins		
Andujar			Fox		•	McKinnon			Semos		
Atwell			Gammage		•	McKnight	•		Sherman, M.		
Bailey	•		Garcia			Madla			Sherman, W.	X	
Baker			Gaston		•	Maloney			Short		•
Bales			Geiger			Martin	•		Simmons		
Barnhart	•		Grant			Massey	•		Slack		
Bigham			Green, F.		•	Mattox	•		Snelson		
Bird			Green, R.		•	Mauzy			Spurlock		•
Blake			Hale			Meier			Sullivan		
Blanchard			Hall, A.		•	Menefee			Sutton		•
Blythe	•		Hall, W.			Mengden	•		Tarbox		
Bock			Hanna		•	Miller			Temple		•
Boone	X		Harrington			Montoya			Thompson		•
Bowers	•		Harris, E.			Moore			Traeger		
Braecklein	•		Harris, O.		•	Munson	•		Truan		
Brooks	•		Head			Murray			Tupper		
Bynum			Heatly		•	Nabers		•	Uher		
Caldwell			Henderson		•	Newton		•	Vale		
Calhoun	•		Hendricks			Nichols		•	Vecchio		
Canales			Hernandez			Nowlin			Vick		•
Cates	X		Hightower			Nugent		•	Von Dohlen		
Clark	•		Hilliard			Ogg		X	Wallace		•
Clayton	•		Hoestenbach			Olson			Washington		•
Clower			Hollowell		•	Parker, C.			Waters		•
Cobb	•		Howard		•	Parker, W.			Watson		•
Cole			Hubenak			Patman			Wedding, on	X	
Coleman			Hudson		•	Pentony		•	Whitehead		
Coody			Hutchison			Peveto		X	Whitmire		•
Cooke	•		Johnson			Poerner		•	Wieting		
Craddick	•		Jones, Gene		•	Poff		•	Williams		
Creightor	X		Jones, Grant		•	Powers			Williamson		•
Daniel			Jones, L.		•	Presnal			Willis		
Davis			Kaster			Preston			Wilson		•
Denson	•		Korloth		•	Ragsdale		•	Wolff		
Denton	•		Kothmann			Reyes		•	Wyatt		
Doggett			Kubiak			Reynolds		•	Bryant		
Donaldson	•		Laney			Rodriguez		•			
Doran	•		Lary		•	Rosson		•			

X-Excused  
Absence

#3 Adoption of Art VII  
Education Article

Yea - 98	TOTALS	Nay - 71	PNV - 2	NU - 10	ARTICLE	DATE: 1
YEA	N-V	NAY			SECTION	
100-200	100-200	100-200				
0 0	0 0	0 0		Comm. 10		JAN 2
1 1	1 1	1 1		Rep. 20		FEB 3
2 2	2 2	2 2		Subs. 1	10 1	MAR 1
3 3	3 3	3 3		Amm. 2	20 2	APR 2
4 4	4 4	4 4		Quo. 3	30 3	MAY 3
5 5	5 5	5 5		3 R 4	40 4	JUN 4
6 6	6 6	6 6		Subm. 5	50 5	JUL 5
7 7	7 7	7 7		Mino. 6	60 6	AUG 6
8 8	8 8	8 8		Met. 7	70 7	SEP 7
9 9	9 9	9 9		Alt. 8	80 8	OCT 8
				Sep. 9	90 9	NOV 9
				2 R 0	00 0	DEC 0



Judiciary - Continuing with the concept of a unified judiciary, the committee has accepted a unified administrative structure, a Judicial Qualifications Commission, and a judicial council. The Supreme Court will be allowed to transfer cases between courts of the same level to equalize workloads. Financing will be left to the legislature. Right to jury trial upon demand has been provided but size of jury is undetermined. Verdicts must be unanimous; the legislature or supreme court may provide exceptions but never a verdict of fewer than 3/4ths of the jury. Record votes on final committee article start next week.

Finance - Last week the committee allowed any rate increase on fuel tax to go toward the General Revenue rather than to the Highway Fund. This week they voted to delete this section.

They have passed the section on appropriations retaining pay-as-you-go. Mention of the income tax was deleted.

Legislature - Passed a section prohibiting enactment of a local or special law where a general law can be made applicable. The Courts to determine applicability of general law. Legislature may enact local laws granting discretionary powers to cities, counties, and other political subdivisions. Notice of introduction of such a bill must be made in the affected locality. Passed 7-5.

The committee deleted the section prohibiting the practice of "continuance." Continuance means that the court can postpone a case if one of the attorneys involved is a legislator during the session. Passed 6-5.

Local Government - The committee is readying its final draft for the Convention. All further attempts to amend it have failed. They are currently listening to recommendations from Style and Drafting.

For Your Information:

The day after the passage of the Education Article, in the midst of discussion in the Voter Qualification and Election Article, Sen. Chet Brooks made a personal privilege speech in which he attacked LWV for a "hasty" (timely?) communication expressing concern for keeping equality of education in the Education Article. It is unfortunate that he misinterpreted our reservations about per pupil allotment and local enrichment.

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CONVENTION PASSES TWO ARTICLES ON 2ND READING

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The final whole Constitution must be approved by a 2/3rds vote of the convention. Several weeks ago Delegate Hale recommended to the rules committee that a 2/3rds vote on each article be made mandatory earlier in the proceedings so that compromises would be made and conflicts mitigated before the final vote. No action has been taken so far. The narrow margin by which the Education Article passed is a case in point.

THE EDUCATION ARTICLE:

- Sec. 1: Calls for an "equitable" support of free public schools furnishing "each individual an equal educational opportunity."
- Sec. 2: Maintains the Permanent and Available School Funds. Calls for per pupil allotment of the Available Fund.
- Sec. 3: Maintains a County School Fund.
- Sec. 4: Calls for an elected State Board of Education.
- Sec. 5: Provides for School and community junior college districts and for local enrichment "consistent with general law."
- Sec. 6: Calls for "1st class" higher education system.
- Sec. 7: Maintains Permanent University Fund for U. T. and A & M systems.
- Sec. 8: Authority to issue bonds on PUF.
- Sec. 9: Establishes the State Higher Education Assistance Fund linking the amount of bonds to be raised to the Permanent University Fund and placing the SHEAF under the control of the legislature.

Rejected were a new section prohibiting discrimination in the allocation of funds for public education; a new fund for technical and vocational education; constitutional status for the Coordinating Board.

VOTER QUALIFICATIONS: Article VI, passed 112-50, 3 PN, 16 NV.

- Sec. 1: Provides vote for 18 year olds, also restores voting rights to felons who have completed their sentences.
- Sec. 2: Legislature may make property ownership an additional requirement in bond elections in political subdivisions or in elections for a special or limited purpose "whose activities have a disproportionate effect on property owners."
- Sec. 3: Elections by secret ballot and protection of purity of the ballot.
- Sec. 4: General elections in even-numbered years.

The League has sent out a press release indicating our support of the article except for reservations about Sec. 2.

EXECUTIVE: Currently before the Convention. The Treasurer has been restored as a constitutional office (elective).

Committee Activities

General Provisions - Passed a right-to-work provision similar to the current statute. Prohibits union contracts that make union membership a requirement for working.

Passed a family protection provision that states, "the legislature may pass appropriate general laws to protect the traditional family structure." Equal rights for women supporters see this as undermining their position.



# TEXAS CONSTITUTIONAL CONVENTION

1974

587

YEA N-V NAY

Mr. President  
Adams, D.  
Adams, H.  
Agnich  
Aikin  
Allen, Joe  
Allen, John  
Allred  
Andujar  
Atwell  
Bailey  
Baker  
Bales  
Barnhart  
Bigham  
Bird  
Blake  
Blanchard  
Blythe  
Bock  
Boone  
Bowers  
Braecklein  
Brooks  
Bynum  
Caldwell  
Calhoun  
Canales  
Cates  
Clark  
Clayton  
Clower  
Cobb  
Cole  
Coleman  
Coody  
Cooke  
Craddick  
Creighton  
Daniel  
Davis  
Denson  
Denton  
Doggett  
Donaldson  
Doran

YEA N-V NAY

Doyle  
Dramberger  
Earle  
Edwards  
Evans  
Finnell  
Finney  
Foreman  
Fox  
Gammage  
Garcia  
Gaston  
Geiger  
Grant  
Green, F.  
Green, R.  
Hale  
Hall, A.  
Hall, W.  
Hanna  
Harrington  
Harris, E.  
Harris, O.  
Head  
Heatly  
Henderson  
Hendricks  
Hernandez  
Hightower  
Hilliard  
Hoestenbach  
Hollowell  
Howard  
Hubenak  
Hudson  
Hutchison  
Johnson  
Jones, Gene  
Jones, Grant  
Jones, L.  
Kaster  
Korioth  
Kothmann  
Kubiak  
Laney  
Lary

YEA N-V NAY

Lee  
Leland  
Lewis  
Lombardino  
Longoria  
McAlister  
McDonald, F.  
McDonald, T.  
McKinnon  
McKnight  
Madla  
Maloney  
Martin  
Massey  
Mattox  
Mauzy  
Meier  
Menefee  
Mengden  
Miller  
Montoya  
Moore  
Munson  
Murray  
Nabers  
Newton  
Nichols  
Nowlin  
Nugent  
Ogg  
Olson  
Parker, C.  
Parker, W.  
Patman  
Pentony  
Peveto  
Poerner  
Poff  
Powers  
Presnal  
Preston  
Ragsdale  
Reyes  
Reynolds  
Rodriguez  
Rosson

YEA N-V NAY

Russell  
Sage  
Salem  
Sanchez  
Santiesteban  
Schieffer  
Schwartz  
Scoggins  
Semos  
Sherman, M.  
Sherman, W.  
Short  
Simmons  
Slack  
Snelson  
Spurlock  
Sullivant  
Sutton  
Tarbox  
Temple  
Thompson  
Traeger  
Truan  
Tupper  
Uher  
Vale  
Vecchio  
Vick  
Von Dohlen  
Wallace  
Washington  
Waters  
Watson  
Weddington  
Whitehead  
Whitmire  
Wieting  
Williams  
Williamson  
Willis  
Wilson  
Wolff  
Wyatt  
Bryant  
X-Excused  
Absence

# 12 Adoption of Art VI

Voter Qualifications & Elections

Yea- 112

TOTALS

Nay- 50 PNV-3 NV-16

YEA	N-V	NAY
100-200	100-200	100-200
0	0	0
1	1	1
2	2	2
3	3	3
4	4	4
5	5	5
6	6	6
7	7	7
8	8	8
9	9	9

ARTICLE	SECTION
Comm.	10
Rep.	20
Subs.	1
Amm.	2
Quo.	3
3 R	4
Subm.	5
Mino.	6
Mot.	7
Alt.	8
Sep.	9
2 R	00

DATE:
JAN 2
FEB 3
MAR 1
APR 2
MAY 3
JUN 4
JUL 5
AUG 6
SEP 7
OCT 8
NOV 9
DEC 0



## TEXAS CONSTITUTIONAL CONVENTION

YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY
Mr. President			Doyle		X	Lee			Russell		
Adams, D.			Dramberger			Leland			Sage		
Adams, H.			Earle			Lewis			Salem		
Agnich			Edwards			Lombardino			Sanchez		
Aikin			Evans			Longoria			Santiesteban		
Allen, Joe			Finnell			McAlister			Schieffer		
Allen, John			Finney			McDonald, F.			Schwartz		
Allred			Foreman			McDonald, T.			Seaggins		
Andujar			Fox			McKinnon			Semos		
Atwell			Gammage			McKnight			Sherman, M.		
Bailey			Garcia			Madla			Sherman, W.	X	
Baker			Gaston			Maloney			Short		
Bales			Geiger			Martin			Simmons		
Barnhart			Grant			Massey			Slack		
Bigham			Green, F.			Mattox			Snelson		
Bird			Green, R.			Mauzy			Spurlock		
Blake			Hale			Meier			Sullivan		
Blanchard			Hall, A.			Menefee			Sutton		
Blythe			Hall, W.			Mengden			Tarbox		
Bock			Hanna			Miller			Temple		
Boone	X		Harrington			Montoya			Thompson		
Bowers			Harris, E.			Moore			Traeger		
Braecklein			Harris, O.			Munson			Truan		
Brooks			Head			Murray			Tupper		
Bynum			Heatly			Nabers			Uher		
Caldwell			Henderson			Newton			Vale		
Calhoun			Hendricks			Nichols			Vecchio		
Canales			Hernandez			Nowlin			Vick		
Cates	X		Hightower			Nugent			Von Dohlen		
Clark			Hilliard			Ogg	X		Wallace		
Clayton			Hoestenbach			Olson			Washington		
Clower			Hollowell			Parker, C.			Waters		
Cobb			Howard			Parker, W.			Watson		
Cole			Hubenak			Patman			Wedding, on	X	
Coleman			Hudson			Pentony			Whitehead		
Coody			Hutchison			Peveto			Whitmire		
Cooke			Johnson			Poerner	X		Wieting		
Craddick			Jones, Gene			Poff			Williams		
Creightor	X		Jones, Grant			Powers			Williamson		
Daniel			Jones, L.			Presnal			Willis		
Davis			Kaster			Preston			Wilson		
Denson			Korloth			Ragsdale			Wolff		
Denton			Kothmann			Reyes			Wyatt		
Doggett			Kubiak			Reynolds			Bryant		
Donaldson			Laney			Rodriguez					
Doran			Lary			Rosson					

X-Excused  
Absence#3 Adoption of Art VII  
Education Article

Yea - 98	TOTALS	Nay - 71	PNU - 2	NU - 10	ARTICLE	DATE: 1
YEA	N-V	NAY			SECTION	
100-200	100-200	100-200				JAN 2
0 0	0 0	0 0				FEB 3
1 1	1 1	1 1				MAR 1
2 2	2 2	2 2				APR 2
3 3	3 3	3 3				MAY 3
4 4	4 4	4 4				JUN 4
5 5	5 5	5 5				JUL 5
6 6	6 6	6 6				AUG 6
7 7	7 7	7 7				SEP 7
8 8	8 8	8 8				OCT 8
9 9	9 9	9 9				NOV 9
						DEC 0



Judiciary - Continuing with the concept of a unified judiciary, the committee has accepted a unified administrative structure, a Judicial Qualifications Commission, and a judicial council. The Supreme Court will be allowed to transfer cases between courts of the same level to equalize workloads. Financing will be left to the legislature. Right to jury trial upon demand has been provided but size of jury is undetermined. Verdicts must be unanimous; the legislature or supreme court may provide exceptions but never a verdict of fewer than 3/4ths of the jury. Record votes on final committee article start next week.

Finance - Last week the committee allowed any rate increase on fuel tax to go toward the General Revenue rather than to the Highway Fund. This week they voted to delete this section.

They have passed the section on appropriations retaining pay-as-you-go. Mention of the income tax was deleted.

Legislature - Passed a section prohibiting enactment of a local or special law where a general law can be made applicable. The Courts to determine applicability of general law. Legislature may enact local laws granting discretionary powers to cities, counties, and other political subdivisions. Notice of introduction of such a bill must be made in the affected locality. Passed 7-5.

The committee deleted the section prohibiting the practice of "continuance." Continuance means that the court can postpone a case if one of the attorneys involved is a legislator during the session. Passed 6-5.

Local Government - The committee is readying its final draft for the Convention. All further attempts to amend it have failed. They are currently listening to recommendations from Style and Drafting.

For Your Information:

The day after the passage of the Education Article, in the midst of discussion in the Voter Qualification and Election Article, Sen. Chet Brooks made a personal privilege speech in which he attacked LWV for a "hasty" (timely?) communication expressing concern for keeping equality of education in the Education Article. It is unfortunate that he misinterpreted our reservations about per pupil allotment and local enrichment.

\*\*\*\*\*

League of Women Voters of Texas  
308 W. 15th, Rm. 305, Convention Office  
Austin, TX 78701



LEAGUE OF WOMEN VOTERS OF TX  
DICKINSON PLAZA CENTER  
DICKINSON TX 77539



Convention Highlights  
February 28, 1974

Stoff  
MAR 4 1974

The following are listed in order of importance by Substantive Committee. The highlights of the committee's activities are contained within each subsection. The only section being considered by the whole convention is Education and it is ranked among the others.

**Rights and Suffrage--** Art. III, Voter Qualification will come before the Convention next. It was withdrawn last week for reconsideration and makes its reappearance without the support of the Chairman, Schwartz. It contains 2 sections of questionable constitutionality. Sec. 1 denies the vote to any one ever convicted of a felony; sec. 2, 2 allows the legislature to require property ownership in elections, "held by the state or political subdivisions" when such qualification is not prohibited by the U. S. Supr Constitution.

**Art. XI, Mode of Amending the Constitution** has just passed out of the committee. It calls for the question of constitutional revision being put before the voters every 20 years. It also requires that one delegate from each representative district be elected to the convention. There is no prohibition on public officials serving.

**Local Government--**This committee has moved steadily in the direction of giving local communities greater flexibility in dealing with their problems. In its latest vote they have decided to allow consolidation of offices, functions of one or more political subdivisions within a county. They have stopped short of "metro" government. In an earlier vote they placed a tax debt ceiling on cities and counties which seemed to encourage the proliferation of special districts.

**Executive--**This report will follow the Voter Qualification Article in the Convention. As noted last week Texas will have a slightly stronger Governor. He has been given greater appointment and removal powers, and reorganization powers all subject to approval by the legislature. Real budget power has been withheld, however and all other top Executive Branch officers will be elected, except the Sec. of State. The legislature gave itself the right to renew the 10yr. life of a state agency.

**Judiciary--**Texas judges will be elected at all levels. Merit selection may be offered as an alternative issue, but this is not certain. The state will be divided into geographical regions for district courts, and into other zones for the election of Appellate judges. JP courts "may" be established but it is not mandatory. County judges may be allowed to perform some judicial functions as well as preside over the Commissioner's Court.

**Legislature--**This committee is moving in the direction of greater power for the legislature. It has provided for annual sessions, the right to call special sessions, and closed committee sessions when not in violation of the Open Meeting Law. They obviously do not want anyone else to redistrict them. The topic of money was deleted and may be presented as a side issue.




Finance--State income tax is out--although the legislature is not prohibited from passing one if it wishes. The legislature is permitted to allocate non-dedicated tax money to mass transit and transit authorities. Citizens may appeal their appraisal on property to courts of appropriate jurisdiction, if administrative procedures fail.

General Provisions --Chiropractors are safe and so is church bingo. Garnishment of wages is prohibited, but there may be Floor action asking for 20 per cent for child support on this issue.

Education--PUF is untouched, but SREAF is in real trouble. As of today it still had not passed and was under heavy attack.



The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 6, March 1, 1974

Convention Office  


MAR 4 1974

#### TIME FOR ACTION

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M Judiciary - TIME FOR ACTION. Merit selection may not even make it as an alternative  
E proposal on the ballot without an enormous outcry from the home front. Write, call  
not only committee members, but all delegates on this important issue. See 1st  
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ACT NOW.

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Bailey, now permits the legislature to require property ownership "for voting in  
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are not prohibited by the U.S. Constitution. Schwartz refused to support the report  
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T leading the fight to allow ex-felons voting rights. Report passed 12-8. Voting  
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I WRITE NOW. REQUEST RECONSIDERATION of Education Article, Sec. 3 dealing with per  
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\*\*\*\*\*

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Tom Meredith, Pub.  
NEWS  
Lufkin, Tx 75901

Comp 5



The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 6, March 1, 1974

Convention Office

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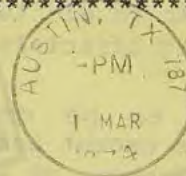
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LEAGUE OF WOMEN VOTERS OF TEXAS  
DICKINSON PLAZA CENTER  
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The Convention is now meeting in daily general sessions to consider the Education Article. No other committee has finished its proposal although several are very close. Committee meetings are being held in the mornings, late afternoons, and evenings, in an attempt to finish public hearings this week on how and when to submit the document to the people. Betty Conner, State TCR Chairman, urged an Article by Article presentation in her testimony this week. The League would also be agreeable to some controversial or alternative proposals being put to the voters separately. A broad well publicized public education campaign will be essential.

Education -- Equal educational opportunity almost went down in a deeply divided convention. Earlier, the concept of the "wealth of the state as a whole" as the basis for supporting education was defeated. Hours of debate over equal vs. equitable was finally resolved when Washington's substitute amendment passed 88-81. The happy compromise did not last. Sec. 3, which might have allowed the legislature to use the Available School Fund to equalize educational opportunity if adopted as recommended by both the Committee and the CRC, was amended to restore per pupil allotment of the Fund. In its most current vote the Convention has allowed local enrichment programs. So much for equal educational opportunity. See pp. 2-3 for votes on Sections 1 and 3.

Executive -- State agencies have been limited to a life of 10 years subject to renewal by the legislature excepting higher education agencies. The Governor may appoint and remove members of state agencies, with approval of Senate. He may also submit plans for reorganization subject to approval of the legislature. This report will be the next to go to the Floor.

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# TEXAS CONSTITUTIONAL CONVENTION

1974

YEA N-Y NAY

YEA N-Y NAY

YEA N-Y NAY

YEA N-Y NAY

Mr. Pres: lent  
Adams, D.  
Adams, H.  
Agnich  
Aikin  
Allen, Joe  
Allen, John  
Allred  
Andujar  
Atwell  
Bailey  
Baker  
Bales  
Barnhart  
Bigham  
Bird  
Blake  
Blanchard  
Blythe  
Bock  
Boone  
Bowers  
Braecklein  
Brooks  
Bynum  
Caldwell  
Calhoun  
Canales  
Cates  
Clark  
Clayton  
Clower  
Cobb  
Cole  
Coleman  
Coody  
Cooke  
Craddick  
Creighton  
Daniel  
Davis  
Denson  
Denton  
Doggett  
Donaldson  
Doran

Doyle  
Dramberger  
Earle  
Edwards  
Evans  
Finnell  
Finney  
Foreman  
Fox  
Gammage  
Garcia  
Gaston  
Geiger  
Grant  
Green, F.  
Green, R.  
Hale  
Hall, A.  
Hall, W.  
Hanna  
Harrington  
Harris, E.  
Harris, O.  
Head  
Heatly  
Henderson  
Hendricks  
Hernandez  
Hightow  
Hilliard  
Hoestenbach  
Hollowell  
Howard  
Hubenak  
Hudson  
Hutchison  
Johnson  
Jones, Gene  
Jones, Grant  
Jones, L.  
Kaster  
Korloth  
Kothmann  
Kubiak  
Laney  
Lary

Lee  
Lelend  
Lewis  
Lombardino  
Longoria  
McAlister  
McDonald, F.  
McDonald, T.  
McKinnon  
McKnight  
Madla  
Maloney  
Martin  
Massey  
Mattox  
Mauzy  
Meier  
Menefee  
Mengden  
Miller  
Montoya  
Moore  
Munson  
Murray  
Nabers  
Newton  
Nichols  
Nowlin  
Nugent  
Ogg  
Olson  
Parker, C.  
Parker, W.  
Patman  
Pentony  
Peveto  
Poerner  
Poff  
Powers  
Presnal  
Preston  
Ragsdale  
Reyes  
Reynolds  
Rodriguez  
Rosson

Russell  
Sage  
Salem  
Sanchez  
Santiesteban  
Schieffer  
Schwartz  
Scoggins  
Semos  
Sherman, M.  
Sherman, W.  
Short  
Simmons  
Slack  
Snelson  
Spurlock  
Sullivan  
Sutton  
Tarbox  
Temple  
Thompson  
Traeger  
Truan  
Tupper  
Uher  
Vale  
Vecchio  
Vick  
Von Dohlen  
Wallace  
Washington  
Waters  
Watson  
Weddington  
Whitehead  
Whitmire  
Wieting  
Williams  
Williams  
Willis  
Wilson  
Wolff  
Wyatt  
BRYANT

X - EXCUSED ABSENCE

RECORD # 5

ADOPTION OF WASHINGTON SUBSTITUTE

AMENDMENT FOR THE BARNHART AMENDMENT

TO ART. III, SEC. 1

The Barnhart amendment had called for an equitable system of free public schools below the college level. The Washington amendment added the phrase, "...furnish each individual an equal educational opportunity." This in effect returns to the wording of the CRC recommendation for sec. 1a with the phrase "below the college level" added. Passed 88-81, 12 not voting.



1974

## TEXAS CONSTITUTIONAL CONVENTION

22

YEA N-V NAY

Mr. President  
 ● Adams, D.  
 ● Adams, H.  
 ● Agnich  
 ● Aikin  
 ● Allen, Joe  
 ● Allen, John  
 ● Alfred  
 ● Andujar  
 ● Atwell  
 ● Bailey  
 ● Baker  
 ● Bales  
 ● Barnhart  
 ● Bigham  
 ● Bird  
 ● Blake  
 ● Blanchard  
 ● Blythe  
 ● Bock  
 ● Boone  
 ● Bowers  
 ● Braecklein  
 ● Brooks  
 ● Bynum  
 ● Caldwell  
 ● Calhoun  
 ● Canales  
 ● Cafes  
 ● Clark  
 ● Clayton  
 ● Clower  
 ● Cobb  
 ● Cole  
 ● Coleman  
 ● Coody  
 ● Cooke  
 ● Craddick  
 ● Creighton  
 ● Daniel  
 ● Davis  
 ● Denson  
 ● Denton  
 ● Doggett  
 ● Donaldson  
 ● Doran

YEA N-V NAY

● Doyle  
 ● Dramberger  
 ● Earle  
 ● Edwards  
 ● Evans  
 ● Finnell  
 ● Finney  
 ● Foreman  
 ● Fox  
 ● Gammage  
 ● Garcia  
 ● Gaston  
 ● Geiger  
 ● Grant  
 ● Green, F.  
 ● Green, R.  
 ● Hale  
 ● Hall, A.  
 ● Hall, W.  
 ● Hanna  
 ● Harrington  
 ● Harris, E.  
 ● Harris, O.  
 ● Head  
 ● Heatly  
 ● Henderson  
 ● Hendricks  
 ● Hernandez  
 ● Hightower  
 ● Hilliard  
 ● Hoestentach  
 ● Hollowell  
 ● Howard  
 ● Hubenak  
 ● Hudson  
 ● Hutchison  
 ● Johnson  
 ● Jones, Gene  
 ● Jones, Grant  
 ● Jones, L.  
 ● Kaster  
 ● Koriath  
 ● Kothmann  
 ● Kubiak  
 ● Loney  
 ● Lary

YEA N-V NAY

● Lee  
 ● Leland  
 ● Lewis  
 ● Lombardino  
 ● Longoria  
 ● McAlister  
 ● McDonald, F.  
 ● McDonald, T.  
 ● McKinnon  
 ● McKnight  
 ● Madla  
 ● Maloney  
 ● Martin  
 ● Massey  
 ● Mattox  
 ● Maury  
 ● Meier  
 ● Menefee  
 ● Mengden  
 ● Miller  
 ● Montoya  
 ● Moore  
 ● Munson  
 ● Murray  
 ● Nabers  
 ● Newton  
 ● Nichols  
 ● Nowlin  
 ● Nugent  
 ● Ogg  
 ● Olson  
 ● Parker, C.  
 ● Parker, V.  
 ● Patman  
 ● Pentony  
 ● Peveto  
 ● Poerner  
 ● Poff  
 ● Powers  
 ● Presnal  
 ● Preston  
 ● Ragsdale  
 ● Reyes  
 ● Reynolds  
 ● Rodriguez  
 ● Rosson

YEA N-V NAY

● Russell  
 ● Sage  
 ● Salem  
 ● Sanchez  
 ● Santiesteban  
 ● Schieffer  
 ● Schwartz  
 ● Scoggins  
 ● Semos  
 ● Sherman, M.  
 ● Sherman, W.  
 ● Short  
 ● Simmons  
 ● Slack  
 ● Snelson  
 ● Spurluck  
 ● Sullivant  
 ● Sutton  
 ● Tarbox  
 ● Temple  
 ● Thompson  
 ● Traeger  
 ● Truan  
 ● Tupper  
 ● Uher  
 ● Vale  
 ● Vecchio  
 ● Vick  
 ● Von Dohlen  
 ● Wallace  
 ● Washington  
 ● Waters  
 ● Watson  
 ● Weddington  
 ● Whitehead  
 ● Whitmire  
 ● Wieting  
 ● Williams  
 ● Williamson  
 ● Willis  
 ● Wilson  
 ● Wolff  
 ● Wyatt  
 ● Bryant  
 X- Excused Absence

#

#### 4. Adoption of Snelson amendment to Art VII Sec 3

Article VII, sec. 3c dealing with the Available School Fund was amended by Snelson and passed 109-56, 14 not voting, 2 present not voting. It orders the St. Bd. of Ed. to set aside sufficient funds for free textbooks and other instructional materials. "...The remainder of the Available Fund shall be distributed to the several counties according to their scholastic population..." The CRC proposal and the Committee proposal had tried to allow the legislature flexibility to deal with the educational needs of the state. This amendment maintains the current system.



COMMENTS, p. 4 (Committee Activities continued)

Legislature -- Committee has recommended that Senate membership be expanded to 40-50 and the House to 150-155. Clower's amendment for the "pod" concept was tabled unanimously; the committee has approved single member districts. The committee agreed to allow a candidate to move into a new district 60 days after filing when his old district was sliced up by decennial redistricting. "Community of interest" will be the guideline in dividing or joining districts with excess or insufficient population. Passed 12-5. Gerrymandering was charged.

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The Convention is now meeting in daily general sessions to consider the Education Article. No other committee has finished its proposal although several are very close. Committee meetings are being held in the mornings, late afternoons, and evenings, in an attempt to finish public hearings this week on how and when to submit the document to the people. Betty Conner, State TCR Chairman, urged an Article by Article presentation in her testimony this week. The League would also be agreeable to some controversial or alternative proposals being put to the voters separately. A broad well publicized public education campaign will be essential.

Education -- Equal educational opportunity almost went down in a deeply divided convention. Earlier, the concept of the "wealth of the state as a whole" as the basis for supporting education was defeated. Hours of debate over equal vs. equitable was finally resolved when Washington's substitute amendment passed 88-81. The happy compromise did not last. Sec. 3, which might have allowed the legislature to use the Available School Fund to equalize educational opportunity if adopted as recommended by both the Committee and the CRC, was amended to restore per pupil allotment of the Fund. In its most current vote the Convention has allowed local enrichment programs. So much for equal educational opportunity. See pp. 2-3 for votes on Sections 1 and 3.

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# TEXAS CONSTITUTIONAL CONVENTION

382

1974

YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY
Mr. President			Doyle			Lee			Russell		
Adams, D.			Dramberger			Leland			Sage		
Adams, H.			Earle			Lewis			Salem		
Agnich			Edwards			Lombardino			Sanchez		
Aikin			Evans			Longoria			Santiesteban		
Allen, Joe			Finnell			McAlister			Schieffer		
Allen, John			Finney			McDonald, F.			Schwartz		
Allred			Foreman			McDonald, T.			Scoggins		
Andujar			Fox			McKinnon			Semos	X	
Atwell			Gammage			McKnight			Sherman, M.		
Bailey			Garcia			Madla			Sherman, W.	X	
Baker			Gaston			Maloney			Short		
Bales			Geiger	X		Martin			Simmons		
Barnhart			Grant			Massey			Slack		
Bigham			Green, F.			Mattox			Snelson		
Bird			Green, R.			Mauzy			Spurlock		
Blake			Hale			Meier			Sullivan		
Blanchard			Hall, A.			Menefee			Sutton		
Blythe			Hall, W.			Mengden			Tarbox		
Bock	X		Hanna			Miller			Temple		
Boone			Harrington			Montoya			Thompson		
Bowers			Harris, E.			Moore			Traeger		
Braecklein			Harris, O.			Munson			Truan		
Brooks			Head			Murray			Tupper		
Bynum			Heatly			Nabers			Uher		
Caldwell			Henderson			Newton			Vale		
Calhoun			Hendricks			Nichols			Vecchio		
Canales			Hernandez			Nowlin			Vick		
Cates			Hightow			Nugent			Von Dohlen		
Clark			Hilliard			Ogg			Wallace		
Clayton			Hoestenbach			Olson			Washington		
Clover			Hollowell			Parker, C.			Waters		
Cobb			Howard			Parker, W.			Watson		
Cole			Hubenak			Patman			Weddington		
Coleman			Hudson			Pentony			Whitehead		
Coody			Hutchison			Peveo			Whitmire		
Cooke			Johnson			Poerner			Wieting		
Craddick			Jones, Gene			Poff			Williams		
Creighton			Jones, Grant			Powers			Williams, n	X	
Daniel			Jones, L.			Presnal			Willis		
Davis			Kaster			Preston			Wilson		
Denson			Koroth			Ragsdale			Wolff		
Denton			Kothmann			Reyes			Wyatt		
Doggett			Kubiak			Reynolds			BRYANT		
Donaldson			Laney			Rodriguez					
Doran	X		Lory			Rosson					

X - EXCUSED ABSENCE

## RECORD # 5 ADOPTION OF WASHINGTON SUBSTITUTE

### AMENDMENT FOR THE BARNHART AMENDMENT

#### TO ART. III, SEC. 1

The Barnhart amendment had called for an equitable system of free public schools below the college level. The Washington amendment added the phrase, "...furnish each individual an equal educational opportunity." This in effect returns to the wording of the CRC recommendation for sec. 1a with the phrase "below the college level" added. Passed 88-81, 12 not voting.



## TEXAS CONSTITUTIONAL CONVENTION

1974

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Mr. President			Doyle			Lee			Russell		
Adams, D.			Dramberger			Leland			Sage		
Adams, H.			Earle			Lewis			Salem		
Agnich			Edwards			Lombardino			Sanchez		
Aikin			Evans			Longoria			Santiesteban		
Allen, Joe			Finnell			McAlister			Schieffer		
Allen, John			Finney			McDonald, F.			Schwartz		
Allred			Foreman			McDonald, T.			Scoggins		
Andujar			Fox			McKinnon			Semos		
Atwell			Gammage			McKnight			Sherman, M.		
Bailey			Garcia			Madla			Sherman, W.		
Baker			Gaston			Maloney			Short		
Bales			Geiger			Martin			Simmons		
Barnhart			Grant			Massey			Slack		
Bigham			Green, F.			Mattox			Snelson		
Bird			Green, R.			Mauzy			Spurlock	X	
Blake			Hale			Meier			Sullivan		
Blanchard			Hall, A.			Menefee			Sutton		
Blythe			Hall, W.			Mengden			Tarbox		
Bock			Hanna			Miller	X		Temple		
Boone			Harrington			Montoya			Thompson		
Bowers			Harris, E.			Moore			Traeger		
Broecklein			Harris, O.			Munson			Truan		
Brooks			Head			Murray			Tupper		
Bynum			Heatly			Nabers			Uher		
Caldwell			Henderson			Newton			Vale		
Calhoun			Hendricks			Nichols			Vecchio		
Canales			Hernandez			Nowlin			Vick		
Cates			Hightower	X		Nugent			Von Dohlen		
Clark		X	Hilliard			Ogg			Wallace		
Clayton			Hoestentach			Olson			Washington		
Clover			Hollowell			Parker, C.			Waters		
Cobb			Howard			Parker, Y.			Watson		
Cole			Hubenak			Patman			Weddington		
Coleman			Hudson			Pentony			Whitehead		
Coody			Hutchison			Peveto			Whitmire		
Cooke			Johnson			Poerner			Wieting		
Craddick			Jones, Gene			Poff			Williams		
Creighton			Jones, Grant			Powers			Williamson		
Daniel			Jones, L.			Presnal			Willis		
Davis			Kaster			Preston			Wilson		
Denson			Koroth			Ragsdale			Wolff		
Denton			Kothmann			Reyes			Wyatt		
Doggett			Kubiak			Reynolds			Bryant		
Donaldson			Laney			Rodriguez					
Doran		X	Lary			Rosson					

X-Excused Absence

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Convention Office  
308 W. 15th St., Rm. 305  
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The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 3, Feb. 8, 1974

FEB 11 1974  
Convention Office  
308 W. 15th St., Rm. 305  
Austin, Tx 78701

#### PROPOSED SCHEDULE

The wrap-up date for the Convention is March 29th, and at the pace the committees are moving they will make it. The Convention has moved into its second phase with the time for proposal submission and public hearings ended. The remaining time has been allocated in the following manner. Notice the overlapping time periods.

January 16 - February 15: Committee deliberations  
February - March 15: Convention consideration of Committee reports (2nd Reading)  
February 11 - March 19: Style and Drafting begins consideration of reports  
March 20 - March 27: Convention considers S & D reports (3rd Reading)  
March 28 - March 29: Final action by Convention

**RULES** -- Now that public hearings are ended the rules of procedure take on more significance. Here are a few highlights selected from a 78 page booklet.

1. Each committee is to consider matters within its jurisdiction and submit a report to the Convention in the form of a proposed revision. They may also report out alternative or separate proposals for submission to the voters.
2. A majority of a committee constitutes a quorum, but no committee report (Article) can be made to the Convention unless ordered by a majority recorded vote of the committee membership.
3. A minority report from a committee requires signatures of at least 6 members of the committee who voted on the losing side. The minority report shall be attached to the committee report as part of it.
4. A majority vote of the Convention can require a committee to submit its report.
5. Committee public hearings require 3 calendar days' notice; formal meetings require only 2 hours written notice to members of the committee or announcement from the Floor of the Convention in session.
6. Motions ordering the "previous question" must be seconded by 4 members of a substantive committee, or 25 delegates in Convention.
7. The President may ask each delegate his purpose for seeking recognition during Convention proceedings. There is no appeal from the President's recognition decision.
8. Any delegate having personal or private interest in a proposal must disclose it.
9. All speeches are limited to 10 minutes (except for opening and closing statements of Chairmen making the committee report). During the last 5 days of the Convention the limit will be 5 minutes.
10. Committee Chairmen and the President may use the assistance of the Sergeant-At-Arms to bring in delegates when a quorum is required.
11. First Reading: proposal is accepted by President and assigned to a substantive committee (now completed); 2nd Reading: the proposal comes before the Convention as a whole for debate for the first time; 3rd Reading: proposal is reported out of Style and Drafting, may be amended by Convention by 2/3rds vote. Returned to S & D for wording and returned to the Convention. No further amendments are in order.
12. Reports or portions of reports passed on 3rd Reading go to Submissions and Transition Committee.
13. Document reported out by the Submission and Transition Committee cannot be amended. Question of final adoption must pass by 2/3rds vote of membership of the Convention.

#### COMMITTEE ACTIVITIES

This whole report could be a TIME FOR ACTION. If you have not been in contact with your delegate DO SO NOW. All the committees are working on their final proposals; many have already started voting. The persuasiveness of the people at home is the only strength we have. Don't stop with a formal, official letter from the LLP, we need member action on a face to face, personal basis. ACT NOW!



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(Judiciary Committee continued)

In work sessions begun by the committee this week, delegates have begun presenting their judiciary proposals. Twelve of a total 28 submitted proposals present complete revision of the judiciary article; others deal with specific sections such as mandatory retirement of judges and damages for wrongful death of a child. Several of the proposals do not appear of constitutional nature. The committee staff is comparing the proposals and the CRC draft. All positions approved through similarity of proposal and/or committee vote will be incorporated into a judicial article. Then this article will be amended and voted on as the committee report to the convention . . . . Complicated work ahead for all of us!

FLASH!

\*\* Many delegates have indicated they are obligated to vote on the basis of their constituents' wishes rather than their own preference. As constituents it is very important that each of you write or phone as individuals (NUMBERS COUNT) to voice your position NOW.

The vote on "Initiative" in Rights and Suffrage is scheduled 8 PM Monday. Votes on removing welfare ceiling (Finance Committee), and Home Rule and ordinance power for counties (Local Gov. Committee) will be coming up very soon. WRITE NOW.

XX

League of Women Voters of Texas  
Convention Office  
308 W. 15th St., Rm. 305  
Austin, Texas 78701



The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 3, Feb. 8, 1974

FEB 11 1974  
Convention Office  
308 W. 15th St., Rm. 305  
Austin, Tx 78701

#### PROPOSED SCHEDULE

The wrap-up date for the Convention is March 29th, and at the pace the committees are moving they will make it. The Convention has moved into its second phase with the time for proposal submission and public hearings ended. The remaining time has been allocated in the following manner. Notice the overlapping time periods.

January 16 - February 15: Committee deliberations  
February - March 15: Convention consideration of Committee reports (2nd Reading)  
February 11 - March 19: Style and Drafting begins consideration of reports  
March 20 - March 27: Convention considers S & D reports (3rd Reading)  
March 28 - March 29: Final action by Convention

RULES -- Now that public hearings are ended the rules of procedure take on more significance. Here are a few highlights selected from a 78 page booklet.

1. Each committee is to consider matters within its jurisdiction and submit a report to the Convention in the form of a proposed revision. They may also report out alternative or separate proposals for submission to the voters.
2. A majority of a committee constitutes a quorum, but no committee report (Article) can be made to the Convention unless ordered by a majority recorded vote of the committee membership.
3. A minority report from a committee requires signatures of at least 6 members of the committee who voted on the losing side. The minority report shall be attached to the committee report as part of it.
4. A majority vote of the Convention can require a committee to submit its report.
5. Committee public hearings require 3 calendar days' notice; formal meetings require only 2 hours written notice to members of the committee or announcement from the Floor of the Convention in session.
6. Motions ordering the "previous question" must be seconded by 4 members of a substantive committee, or 25 delegates in Convention.
7. The President may ask each delegate his purpose for seeking recognition during Convention proceedings. There is no appeal from the President's recognition decision.
8. Any delegate having personal or private interest in a proposal must disclose it.
9. All speeches are limited to 10 minutes (except for opening and closing statements of Chairmen making the committee report). During the last 5 days of the Convention the limit will be 5 minutes.
10. Committee Chairmen and the President may use the assistance of the Sergeant-At-Arms to bring in delegates when a quorum is required.
11. First Reading: proposal is accepted by President and assigned to a substantive committee (now completed); 2nd Reading: the proposal comes before the Convention as a whole for debate for the first time; 3rd Reading: proposal is reported out of Style and Drafting, may be amended by Convention by 2/3rds vote. Returned to S & D for wording and returned to the Convention. No further amendments are in order.
12. Reports or portions of reports passed on 3rd Reading go to Submissions and Transition Committee.
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[illegible]

League of Women Voters of Texas  
Convention Office  
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The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 2, January 29, 1974

FEB 1 1974  
Convention Office  
308 W. 15th St., Rm. 305  
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CORRECTION -- LOBBY DAY, TUESDAY, FEBRUARY 26th!!

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Opening Day --

January 8th was reserved for pomp and ceremony and 18 State Board members as well as Executive Secretary, Ann Gallaher, were there to witness it. When the gavel sounded, and the call for order given, the results of a quarter of a century of hard work by the League came to a climax. But in effect our work has just begun, so we will be following the progress of the Convention closely through the Convention Corps, a group of almost 30 Austin League members. They will cover as many of the committee meetings as possible to keep us informed. The Convention Office will form an information link to each of our local Leagues and the State Board as we all join in the effort to inform the public. State Board members will testify on the following dates: 23rd - Avena; 24th - Arizaga, Higgins, Hunter, Holmes, Lancaster, Conner, Sugihara; 25th - Avena.

COMMITTEE ACTIVITIES

Local Government -- Commission members were questioned closely on giving voters the right to "alter the governing body" (Art. 9, Sec. 3f). "Big machine politics" could be the result of home rule for counties appeared to be the position of the Texas Association of County Judges when they testified. Committee members questioned them on their opposition to home rule and their rural orientation.

Judicial -- This article is up for grabs with "experts" testifying persuasively on both sides of Unified Courts and the Merit System. Ralph Yarbrough came out strongly opposed to merit selection as did Commissioners Bill Bass and Jim Kronzer. The J. P. Courts are coming in for much questioning and many are urging they be incorporated into the unified system.

Executive -- Mixed reactions here. Glenn Ivy, Texas Research League, is opposed to giving Governor appointment and removal power over state agency chairmen. Mary Beth Brient appeared opposed to cabinet; Preston Shirley is opposed in the governor having appointment and removal power over Boards; Armstrong testified at length on the functions of his office and thought that electing the Land Commissioner was better for the people. The Cabinet Concept found a friend in Terrell Blodgett.

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Judiciary Committee - Old Supreme Court Room (310-314); Chairman - Hale; Vice-Chairman - Mauzy

Baker, Bales, Blanchard, Coleman, Cooke, Denson, Earle, Finnell, Grant, Heatly, Hendricks, Hudson, Jones, McDonald, Nabers, Ogg, Peveto, Powers, Spurlock.

General Provisions Committee - Room G-13; Chairman - Gammage; Vice-Chairman - Doran

Clark, Doggett, Edwards, Green, Harrington, Hubenak, Koriath, Kothmann, Lewis, Lombardino, Longoria, Moore, Reynolds, Sage, Sanchez, Wieting, Williams, Williamson, Wilson.

Executive Committee - Room 301; Chairman - Meier; Vice-Chairman - Vecchio

Bock, Adams (Hardin), Cates, Cobb, Craddick, Finney, Gaston, Howard, Johnson, Laney, Montoya, McKinnon, Schieffer, Semos, Sherman, Sutton, Von Dohlen, Whitmire, Wyatt.

Rights and Suffrage Committee - Lt. Gov.'s Committee Room; Chairman - Schwartz; Vice-Chairman - Nowlin

Andujar, Bailey, Bigham, Canales, Cole, Green, Harris, Lee, Leland, McKnight, Miller, Newton, Nichols, Simmons, Slack, Uher, Vick, Watson, new Dallas member.

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LEAGUE OF WOMEN VOTERS OF TEXAS

Convention Office

308 West 15th Street, Room 305

Austin, Texas 78701



League of Women Voters of Texas  
CONVENTION COMMENTS  
Convention Office

JAN 21 1974

"Convention Comments" will be published during the Convention from the Convention office in Austin. Free copies are being sent to each local league president and TCR chairman. Subscription price is \$3.00 and will include copies of "Times for Action" sent out by the State League during the Convention. Make your check payable to the League of Women Voters of Texas and mail to the League of Women Voters of Texas Constitutional Convention Office, 308 West 15th Street, Austin, Texas 78701. PLEASE URGE INDIVIDUAL SUBSCRIPTIONS AT YOUR UNIT AND GENERAL MEETINGS AND CONSIDER SENDING A SUBSCRIPTION TO YOUR LOCAL NEWSPAPER, LIBRARY, RADIO, AND TV STATIONS. (This information will be repeated in State Voter.)

Opening Day --

January 8th was reserved for pomp and ceremony and 18 State Board members as well as Executive Secretary, Ann Gallaher, were there to witness it. When the gavel sounded, and the call for order given, the results of a quarter of a century of hard work by the League came to a climax. But in effect our work has just begun, so we will be following the progress of the Convention closely through the Convention Corps, a group of almost 30 Austin League members. They will cover as many of the committee meetings as possible to keep us informed. The Convention Office will form an information link to each of our local Leagues and the State Board as we all join in the effort to inform the public. State Board members will testify on the following dates: 23rd - Avena; 24th - Arizaga, Higgins, Hunter, Holmes, Lancaster, Conner, Sugihara; 25th - Avena.

COMMITTEE ACTIVITIES

Local Government -- Commission members were questioned closely on giving voters the right to "alter the governing body" (Art. 9, Sec. 3f). "Big machine politics" could be the result of home rule for counties appeared to be the position of the Texas Association of County Judges when they testified. Committee members questioned them on their opposition to home rule and their rural orientation.

Judicial -- This article is up for grabs with "experts" testifying persuasively on both sides of Unified Courts and the Merit System. Ralph Yarbrough came out strongly opposed to merit selection as did Commissioners Bill Bass and Jim Kronzer. The J. P. Courts are coming in for much questioning and many are urging they be incorporated into the unified system.

Executive -- Mixed reactions here. Glenn Ivy, Texas Research League, is opposed to giving Governor appointment and removal power over state agency chairmen. Mary Beth Brient appeared opposed to cabinet; Preston Shirley is opposed in the governor having appointment and removal power over Boards; Armstrong testified at length on the functions of his office and thought that electing the Land Commissioner was better for the people. The Cabinet Concept found a friend in Terrell Blodgett.

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Executive Committee - Room 301; Chairman - Meier; Vice-Chairman - Vecchio Bock, Adams (Hardin), Cates, Cobb, Craddick, Finney, Gaston, Howard, Johnson, Laney, Montoya, McKinnon, Schieffer, Semos, Sherman, Sutton, Von Dohlen, Whitmire, Wyatt.

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*League of Women Voters of Texas*  
*Dickinson Plaza Center*  
*Dickinson, Texas 77539*



LWV of Texas  
April 1973  
(1 copy to president  
1 copy to TCR Chm.)  
State DPM

TO: Local League Presidents and TCR Chairman  
FROM: Betty Conner, TCR Chairman  
RE: COMMISSION COMMENTS #2

The second meeting of the Constitutional Revision Commission was held on March 28 and 29. The Staff Committee, chaired by Dr. George Beto, reported on its recommendation that the CRC hire Mr. James Ray, the present Executive Director of the Texas Advisory Commission on Intergovernmental Relations, as Executive Director of the CRC. The Executive Director will hire the remaining staff with the approval of the Staff Committee.

Preston Shirley presented the Budget Report to the CRC with the statement that the Appointive Committee must approve the budget as well as the full CRC. He stated that the budget was established on a yearly basis, with expenditures to be made monthly. It is anticipated that the Commission will not exceed the funds appropriated by the Legislature. The Budget Committee will issue monthly reports during the duration of the Commission. After some discussion of the Budget Rules (per diem, travel), the budget was approved unanimously. The Office Space and Equipment Committee, chaired by Faye Holub, recommended that the bid of the Commodore Perry be accepted. The offices would be on the east wing of the third floor.

Leon Jaworski presented the report of the Committee on Committees which recommended the establishment of seven permanent committees of the CRC: Legislative, Executive and Administrative, Judicial, Local Government, Finance, General Provisions, and Education. The chairman and vice chairman of the Commission will appoint the committee members and the chairmen. The committee report was adopted as presented, with the understanding that the Commission can add or subtract committees any time it so desires.

Judge Jefferson presented the report of the Citizens Advisory Committee - it will be working with groups of citizens in the geographical areas where public hearings will be held. Judge Jefferson asked for recommendations from the Commission members for people to serve on the Citizens Advisory groups. The areas selected at this time for sites were: Houston, Dallas-Fort Worth, San Antonio, Corpus Christi, McAllen, San Angelo, Lubbock, Longview, Wichita Falls, and El Paso. There was discussion about the need for additional sites to more adequately cover the state. The Committee report was adopted as read, with the provision that other areas may be added after the seminar. A committee for procedures of reporting (committee meetings, hearings, etc.) was appointed, composed of Kronzer, Lewis, Bonilla, Martin, and Rives.

#### SEMINAR

After an introduction by Dr. May, John Bebout opened the seminar with "An Overview of State Constitutional Revision with Special Emphasis on Texas." He discussed the trend toward constitutional revision in the past twenty years, listing the major trends: 1. strengthening office of the governor 2. unleashing of state legislatures 3. streamlining of the courts 4. shortening and reduction of the constitution 5. home rule provisions. Bebout also spoke on the roles and relationship of commissions and conventions, citing as examples Maryland, Arkansas, and New Mexico.



George D. Braden began the afternoon session with "An Overview of the Texas Constitution." He stated that a constitution should contain an agreement on principle and an agreement on how to carry out the principles. Braden felt the principles involved were the creation of a government, the limitation of government, the distribution of powers, and an expressed philosophy of government. After a review of some of the problems of the present constitution, Braden urged the delegates to turn the constitution around and to keep it turned around by aiming high, concentrating on the drafting of the constitution, and keeping the constitutional approach.

The first specific discussion of the afternoon focused on "Suffrage and the Legislature," led by Bebout, Braden, and Frank Elliott, Jr. Most of the questions were directed toward the legislature in the areas of limitation on sessions, pay of legislators, and the removal of specific statutory provisions from the constitution.

Bebout, Braden, Judge Tom Reavley, Judge Thomas J. Stovall, Jr., and Terrell Blodgett headed a panel discussion on "The Executive and the Judiciary." In focusing on the executive, Braden specified the primary areas of concern within the constitution--veto provisions and executive powers. Blodgett felt that many of Texas' problems with a weak governor were statutory rather than constitutional. He did suggest, however, some changes, such as starting the legislative session after the governor is inaugurated, strengthening the budgetary powers of the governor, and providing the governor with the tools--personnel, research, planning--that he needs. Reavley felt that the buffer between the governor and administration of departments was unnecessary. Bebout advanced the proposition that a stronger governor would give the state a stronger voice in national affairs.

In approaching the judiciary system, Braden recommended the first six articles of the Task Force proposals. Stovall felt that the judicial administration should not be in the constitution, while Reavley was concerned that the constitution be written so that the judicial system would be manageable.

Thursday's morning session was begun by a panel discussion of "Local Government" led by Bebout, Braden, Lynn F. Anderson, and James W. McGrew. Braden advocated placing the overall tax rate in this Article; he also felt that the Article should not exclude the possibility of state property taxes. Anderson stated that the home rule provisions for cities in the present constitution were good, and he suggested that the principle of home rule could be expanded to include the counties. A publication of the Texas Research League, "Let the People Choose" was mentioned by McGrew, and copies of the study are to be made available to the Commission. City-County mergers were cited as an example of new techniques in government that are unavailable in Texas because of restraints placed upon county governments in the constitution.

The same panel led a discussion on "Finance" which Anderson pointed out involved 40% of the present constitution. The need for coordination of the finance provisions was stressed, as well as the need to remove the statutory provisions. Anderson advocated including program evaluations in addition to the more routine fiscal audits.

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LWV of Texas  
COMMISSION COMMENTS #2 (continued)

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Braden concluded this section by cautioning the Commission to take great care in the style and drafting of the constitution. He suggested that such a committee be appointed immediately so that the rules of drafting could be established now and consistency be insured. He also felt such a committee could assist in coordinating committees that may overlap. He reminded the Commission that a constitution should be written in clear, simple, concise, dignified language.

BUSINESS SESSION - March 29

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	240,000*	\$240,000

<u>Travel and Per Diem</u>	300,000*	300,000
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Other Expenses

Office Space	25,000	
Supplies and Materials	60,000	
Postage	15,000	
Rental Equipment	20,000	
Telephone and Telegraph	15,000	
Capital Outlay	10,000	
Public Information and Publications	100,000	
Professional Fees, Contract Research, Part Time Help	<u>115,000</u>	
	360,000 *	360,000
		<u>\$900,000</u>

\*NTE - Not to Exceed



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(1 copy to president  
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All other Professional and Clerical Staff	<u>162,000</u>	
	240,000*	\$240,000

<u>Travel and Per Diem</u>	300,000*	300,000
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Other Expenses

Office Space	25,000	
Supplies and Materials	60,000	
Postage	15,000	
Rental Equipment	20,000	
Telephone and Telegraph	15,000	
Capital Outlay	10,000	
Public Information and Publications	100,000	
Professional Fees, Contract Research, Part Time Help	<u>115,000</u>	
	360,000 *	<u>360,000</u>
		\$900,000

\*NTE - Not to Exceed



LWV of Texas  
April 1973  
(1 copy to president  
1 copy to TCR Chm.)  
State DPM

TO: Local League Presidents and TCR Chairman  
FROM: Betty Conner, TCR Chairman  
RE: COMMISSION COMMENTS #2

The second meeting of the Constitutional Revision Commission was held on March 28 and 29. The Staff Committee, chaired by Dr. George Beto, reported on its recommendation that the CRC hire Mr. James Ray, the present Executive Director of the Texas Advisory Commission on Intergovernmental Relations, as Executive Director of the CRC. The Executive Director will hire the remaining staff with the approval of the Staff Committee.

Preston Shirley presented the Budget Report to the CRC with the statement that the Appointive Committee must approve the budget as well as the full CRC. He stated that the budget was established on a yearly basis, with expenditures to be made monthly. It is anticipated that the Commission will not exceed the funds appropriated by the Legislature. The Budget Committee will issue monthly reports during the duration of the Commission. After some discussion of the Budget Rules (per diem, travel), the budget was approved unanimously. The Office Space and Equipment Committee, chaired by Faye Holub, recommended that the bid of the Commodore Perry be accepted. The offices would be on the east wing of the third floor.

Leon Jaworski presented the report of the Committee on Committees which recommended the establishment of seven permanent committees of the CRC: Legislative, Executive and Administrative, Judicial, Local Government, Finance, General Provisions, and Education. The chairman and vice chairman of the Commission will appoint the committee members and the chairmen. The committee report was adopted as presented, with the understanding that the Commission can add or subtract committees any time it so desires.

Judge Jefferson presented the report of the Citizens Advisory Committee - it will be working with groups of citizens in the geographical areas where public hearings will be held. Judge Jefferson asked for recommendations from the Commission members for people to serve on the Citizens Advisory groups. The areas selected at this time for sites were: Houston, Dallas-Fort Worth, San Antonio, Corpus Christi, McAllen, San Angelo, Lubbock, Longview, Wichita Falls, and El Paso. There was discussion about the need for additional sites to more adequately cover the state. The Committee report was adopted as read, with the provision that other areas may be added after the seminar. A committee for procedures of reporting (committee meetings, hearings, etc.) was appointed, composed of Kronzer, Lewis, Bonilla, Martin, and Rives.

#### SEMINAR

After an introduction by Dr. May, John Bebout opened the seminar with "An Overview of State Constitutional Revision with Special Emphasis on Texas." He discussed the trend toward constitutional revision in the past twenty years, listing the major trends: 1. strengthening office of the governor 2. unleashing of state legislatures 3. streamlining of the courts 4. shortening and reduction of the constitution 5. home rule provisions. Bebout also spoke on the roles and relationship of commissions and conventions, citing as examples Maryland, Arkansas, and New Mexico.



George D. Braden began the afternoon session with "An Overview of the Texas Constitution." He stated that a constitution should contain an agreement on principle and an agreement on how to carry out the principles. Braden felt the principles involved were the creation of a government, the limitation of government, the distribution of powers, and an expressed philosophy of government. After a review of some of the problems of the present constitution, Braden urged the delegates to turn the constitution around and to keep it turned around by aiming high, concentrating on the drafting of the constitution, and keeping the constitutional approach.

The first specific discussion of the afternoon focused on "Suffrage and the Legislature," led by Bebout, Braden, and Frank Elliott, Jr. Most of the questions were directed toward the legislature in the areas of limitation on sessions, pay of legislators, and the removal of specific statutory provisions from the constitution.

Bebout, Braden, Judge Tom Reavley, Judge Thomas J. Stovall, Jr., and Terrell Blodgett headed a panel discussion on "The Executive and the Judiciary." In focusing on the executive, Braden specified the primary areas of concern within the constitution--veto provisions and executive powers. Blodgett felt that many of Texas' problems with a weak governor were statutory rather than constitutional. He did suggest, however, some changes, such as starting the legislative session after the governor is inaugurated, strengthening the budgetary powers of the governor, and providing the governor with the tools--personnel, research, planning--that he needs. Reavley felt that the buffer between the governor and administration of departments was unnecessary. Bebout advanced the proposition that a stronger governor would give the state a stronger voice in national affairs.

In approaching the judiciary system, Braden recommended the first six articles of the Task Force proposals. Stovall felt that the judicial administration should not be in the constitution, while Reavley was concerned that the constitution be written so that the judicial system would be manageable.

Thursday's morning session was begun by a panel discussion of "Local Government" led by Bebout, Braden, Lynn F. Anderson, and James W. McGrew. Braden advocated placing the overall tax rate in this Article; he also felt that the Article should not exclude the possibility of state property taxes. Anderson stated that the home rule provisions for cities in the present constitution were good, and he suggested that the principle of home rule could be expanded to include the counties. A publication of the Texas Research League, "Let the People Choose" was mentioned by McGrew, and copies of the study are to be made available to the Commission. City-County mergers were cited as an example of new techniques in government that are unavailable in Texas because of restraints placed upon county governments in the constitution.

The same panel led a discussion on "Finance" which Anderson pointed out involved 40% of the present constitution. The need for coordination of the finance provisions was stressed, as well as the need to remove the statutory provisions. Anderson advocated including program evaluations in addition to the more routine fiscal audits.

Larry Margolis addressed a luncheon meeting of the CRC on the topic of "Trends in State Legislative Improvements." He urged the Commission to aim high in their work while recognizing that some compromises will be made. Many of his recommendations to the Commission were proposals advocated in "The Sometime Governments," such as removal of the limitation on sessions, adequate pay, abolishment of legislative powers for lieutenant governor. He mentioned the Rodriguez case as an opportunity



LWV of Texas

COMMISSION COMMENTS #2 (continued)

for states to redress the imbalance of power in our federal system today. The final session of the seminar was an explanation by Seth Searcy III of his "Simplification and Reordering of the Texas Constitution." He stated that he was not rewriting the constitution but reordering the document, grouping proper sections together and simplifying the language. He is also indicating sections which he feels are statutory, but these are not removed, merely indicated. His work will be available to the Commission, article by article, as he finishes his study.

Braden concluded this section by cautioning the Commission to take great care in the style and drafting of the constitution. He suggested that such a committee be appointed immediately so that the rules of drafting could be established now and consistency be insured. He also felt such a committee could assist in coordinating committees that may overlap. He reminded the Commission that a constitution should be written in clear, simple, concise, dignified language.

BUSINESS SESSION - March 29

The Commission voted to hold regularly scheduled meeting of the full Commission on the second and fourth Friday and Saturday of each month. Eight additional public hearings were scheduled around the state. While as many Commission members as possible are urged to attend the public hearings, it is envisioned that one member from each committee will be present. It was also decided that the Style and Drafting Committee would be appointed by the chairman and vice chairman, and the committee would include one member from each committee. The chairman and vice chairman will be making the committee assignments within the week.

BUDGET

Salaries and Wages

Executive Director	\$30,000	
Research Director	24,000	
Director of Public Information and Publications	24,000	
All other Professional and Clerical Staff	162,000	
	240,000*	\$240,000

<u>Travel and Per Diem</u>	300,000*	300,000
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Other Expenses

Office Space	25,000	
Supplies and Materials	60,000	
Postage	15,000	
Rental Equipment	20,000	
Telephone and Telegraph	15,000	
Capital Outlay	10,000	
Public Information and Publications	100,000	
Professional Fees, Contract Research, Part Time Help	115,000	
	360,000*	360,000
		\$900,000

\*NTE - Not to Exceed



LWV of Texas  
April 1973

TO: Local League Presidents, TCR Chairman  
FROM: Mrs. R. E. Conner  
RE: COMMISSION COMMENTS

The Constitutional Revision Commission has been appointed with Judge Robert Calvert, retired Supreme Court Justice, as Chairman of the commission. Mrs. Malcolm Milburn of Austin, former Republican Party state vice chairman was picked as vice chairman. Geographically, the commission is composed of six persons from Harris County, six from Austin, five from Dallas, four from San Antonio, two from Corpus Christi and one each from Galveston, Huntsville, Fort Worth, Beaumont, Iowa Park, El Paso, Midland, Kerrville, Arlington, Laredo, Amarillo, San Angelo, Marshall and McAllen. Two League members were picked for the commission: Dr. Janice May - former state board member and a professor of government at the University of Texas, and Mary Beth Brient, former president of the El Paso League.

Other members of the commission are:

Mrs. Faye Holub of Austin - Communications Workers Union Leader  
Dr. Cleo Garcia of Corpus Christi - Physician  
Barbara Culver of Midland - County Judge  
Sybil Hamilton of Dallas - Public Relations Director for Dallas County  
Community College  
Leon Jaworshi Of Houston - Attorney  
W. James Kronzer of Houston - Former President of the Houston Bar Association  
Leroy Jeffers of Houston - President Elect of the State Bar of Texas  
Andrew Jefferson of Houston - Domestic Relations Court Judge  
E. L. Oakes Jr. of Houston - Business agent for Ironworkers Union Local 84  
L. G. Moore of Deer Park - Representative of the Internal Union of Operating  
Engineers  
Preston Shirley of Galveston - Lawyer  
Rev. Zan Holmes of Dallas - a Former State Representative  
Earl Lewis of San Antonio - Director of Urban Studies at Trinity University  
Honore Ligarde of Laredo - Lawyer and Banker  
Roy Berrera of San Antonio - Lawyer and Former Texas Secretary of State  
Tony Bonilla, of Corpus Christi - Attorney and Former State Representative  
Page Keeton of Austin - Dean of the University of Law School  
Lloyd D. Barbour of Iowa Park - Farmer who is active in the Farm Bureau  
Dr. George Beto of Huntsville - Professor at Sam Houston State University  
Mark Martin of Dallas - Chairman of the Board of the State Bar of Texas  
Dr. Peter Flawn of San Antonio - President of the University of Texas  
at San Antonio  
James Weatherby of Kerrville - Banker, Rancher and Former District Attorney  
and District Judge  
Raymond Nasher of Dallas - Businessman and Land Developer  
Wales Madden Jr. of Amarillo - Attorney and Member of the State Higher  
Education Coordinating Board  
Mark McLaughlin of San Angelo - a Former State Assistant Attorney General  
in the Oil, Banking and Ranching Business  
Beeman Fisher of Fort Worth - Retired Board Chairman of the Texas Electric  
Service Co. and Past President of the Texas Water Conservation Assoc.  
Bill Donnell of San Antonio - President of the Texas and Southwestern  
Cattle Raisers Association  
Don Rives of Marshall - Lawyer  
M. F. Frost of McAllen - Owner of a Fruit and Vegetable Company and a  
Farmer Active in the Farm Bureau



Bill Hartman of Beaumont - Editor and Publisher of the Beaumont Enterprise  
Ralph W. Yarborough of Austin - Former U.S. Senator

Two appointees to the commission, Mayor Tom Vandergriff of Arlington and Harry A. Shuford a Dallas lawyer and banker have already resigned. Vandergriff is chairman of the Texas Advisory Commission on Intergovernmental Relations (TACIR) and Citizens for Texas, the statewide citizen's group which helped the League campaign for Amendment 4. Vandergriff said he resigned because both the TACIR and Citizens for Texas will be advocating constitutional changes before the commission and he would not "feel comfortable sitting there as part of the jury, too." Shuford resigned "as a matter of principle" since his appointment came under fire because he is a brother-in-law of Supreme Court Chief Justice Joe Greenhill.

Former State representative Bill Bass of Van Zandt was picked to fill Vandergriff's place on the commission. As yet the six man appointment committee composed of the governor, Lt. governor, speaker of the House, attorney general, and chief Justices of the Texas Supreme Court and Court of Criminal Appeals has not picked the second replacement. State GOP chairman George Willeford suggested that Mrs. Nancy Palm, chairman of the Harris County Republican Party, should be appointed because she is a conservative, a Republican and a woman, three groups which he claims are unfairly represented on the commission.

Thirty-nine members of the legislature petitioned for the thirty-seven member revision commission to be dissolved and for new appointments to be made. The thirty-nine names included only one senator and fell far short of the ninety-two (seventy-six representatives and sixteen senators) required on the petition to abort the commission. Each member of the commission has been sent a letter from the League of Women Voters of Texas explaining the League's interest in constitutional revision, a list of League positions that we would like to have in a new constitution, plus a copy of "And Now Action." If a member of the commission lives in your community, please call upon him or her and do some personal lobbying concerning what the League thinks a good constitution should contain.

On March 10 the Revision Commission held its first meeting. The following is a report of that meeting from Lennet Trow, a member of the Capital Corps.

Judge Calvert, Commission Chairman, opened the beginning session of the CRC by introducing state officials and legislators who had a special interest in the Commission: Charles Purnell, representing Gov. Briscoe, Lt. Gov. Hobby, Speaker Daniel, Attorney General Hill, Judge Greenhill, Judge Onion, Senator Wolff, and Representative Von Dohlen. All spoke briefly to the group. At the conclusion of the meetings Judge Greenhill administered the oath to the Commission.

Judge Calvert read a list of experts throughout the state who could be helpful to the Commission members, and the list included Dick Smith of Tarleton, J. W. Davis of Texas Tech, Dr. Anderson of UT, Dr. Mosely of Austin College, Dr. Livingston and Dr. Redford of UT, Frank Elliot of the Legislature, and Abner McCall of Baylor.

The Commission agreed to operate under Robert's Rules of Order, but Judge Calvert made it clear that the rules would be quite flexible so as to allow full and open discussion.

Judge Calvert and Mrs. Milburn then recommended that the CRC immediately establish seven ad hoc committees to go about the business of organizing the Commission. The committee structure suggested included Budget, Staff, Office Space and Equipment,



Calendar, Seminar, Citizens Advisory, and Constitutional Revision. Leon Jaworski moved that this structure be adopted and that the Chairman and Vice-Chairman appoint committee members. Judge Calvert then passed out a list of committee assignments as follows:

- A. Budget Committee
  - (1) Mr. Harry Shuford, Chairman
  - (2) Ms. Mary Beth Brient
  - (3) Mr. Wales Madden
  - (4) Mr. Preston Shirley
  - (5) Mr. Jim Weatherby
- B. Staff Committee
  - (1) Dr. George Beto, Chairman
  - (2) Mr. Beeman Fisher
  - (3) Mr. Leroy Jeffers
  - (4) Dean W. Page Keeton
  - (5) Mr. Honore Ligarde
- C. Office Space and Equipment Committee
  - (1) Ms. Faye Holub, Chairman
  - (2) Mr. Tony Bonilla
  - (3) Mr. Raymond D. Nasher
  - (4) Mr. Don Rives
- D. Calendar Committee
  - (1) Senator Ralph Yarborough, Chairman
  - (2) Judge Barbara Culver
  - (3) Mr. M. F. (Mike) Frost
  - (4) Rev. Zan Holmes, Jr.
  - (5) Mr. L. G. Moore
- E. Seminar Committee
  - (1) Dr. Janice May, Chairman
  - (2) Mr. William C. Donnell
  - (3) Dr. Peter Flawn
  - (4) Mr. W. James Kronzer
  - (5) Mr. Earl Lewis
- F. Citizens Advisory Committee
  - (1) Judge Andrew Jefferson
  - (2) Mr. Loys D. Barbour
  - (3) Dr. Cleo Garcia
  - (4) Mr. Bill Hartman
  - (5) Mr. Mark McLaughlin
- G. Constitutional Revision Committees
  - (1) Mr. Leon Jaworski, Chairman
  - (2) Mr. Roy Barrera
  - (3) Ms. Sybil Hamilton
  - (4) Mr. Mark Martin
  - (5) Mr. E. L. Oakes, Jr.

Judge Calvert and Mrs. Milburn had obviously worked extensively on the prior planning for the Commission--ex. (1) suggested budgets had been obtained for the Budget Committee from two different sources (2) five applications were already on file for the position of executive director (3) ad hoc committees prepared.



The seminar was suggested by Mrs. Milburn for the next full meeting of the CRC so that the members could hear lectures from a number of different Constitutional experts. Dr. May was appointed Chairman of the committee in charge of these arrangements. Judge Calvert asked that all ad hoc committees be prepared to report to the commission at the seminar.

There was some disagreement concerning the budgetary allotments for the Commission. Senator Yarborough felt that each member should have his/her own staff assistant as well as the general staff in Austin. However, the Budget Committee (after a brief meeting during coffee) moved that individual staffs not be established. After debate, the CRC decided to let the Budget and Staff committees have some interaction before a decision was made. An alternative was offered--assigned some of the general staff to specific full committees when they are established. This idea appeared to gain general approval.

Dr. May announced that the seminar would be March 28 and 29. In the future, meetings will be held on Friday and Saturday if possible. The group then adjourned.



S.O. copy

JAN 21 1974

League of Women Voters of Texas  
CONVENTION COMMENTS  
Convention Office

**TT**

"Convention Comments" will be published during the Convention from the Convention office in Austin. Free copies are being sent to each local league president and TCR chairman. Subscription price is \$3.00 and will include copies of "Times for Action" sent out by the State League during the Convention. Make your check payable to the League of Women Voters of Texas and mail to the League of Women Voters of Texas Constitutional Convention Office, 308 West 15th Street, Austin, Texas 78701. PLEASE URGE INDIVIDUAL SUBSCRIPTIONS AT YOUR UNIT AND GENERAL MEETINGS AND CONSIDER SENDING A SUBSCRIPTION TO YOUR LOCAL NEWSPAPER, LIBRARY, RADIO, AND TV STATIONS. (This information will be repeated in State Voter.)

Opening Day --

January 8th was reserved for pomp and ceremony and 18 State Board members as well as Executive Secretary, Ann Gallaher, were there to witness it. When the gavel sounded, and the call for order given, the results of a quarter of a century of hard work by the League came to a climax. But in effect our work has just begun, so we will be following the progress of the Convention closely through the Convention Corps, a group of almost 30 Austin League members. They will cover as many of the committee meetings as possible to keep us informed. The Convention Office will form an information link to each of our local Leagues and the State Board as we all join in the effort to inform the public. State Board members will testify on the following dates: 23rd - Avena; 24th - Arizaga, Higgins, Hunter, Holmes, Lancaster, Conner, Sugihara; 25th - Avena.

COMMITTEE ACTIVITIES

Local Government -- Commission members were questioned closely on giving voters the right to "alter the governing body" (Art. 9, Sec. 3f). "Big machine politics" could be the result of home rule for counties appeared to be the position of the Texas Association of County Judges when they testified. Committee members questioned them on their opposition to home rule and their rural orientation.

Judicial -- This article is up for grabs with "experts" testifying persuasively on both sides of Unified Courts and the Merit System. Ralph Yarbrough came out strongly opposed to merit selection as did Commissioners Bill Bass and Jim Kronzer. The J. P. Courts are coming in for much questioning and many are urging they be incorporated into the unified system.

Executive -- Mixed reactions here. Glenn Ivy, Texas Research League, is opposed to giving Governor appointment and removal power over state agency chairmen. Mary Beth Brient appeared opposed to cabinet; Preston Shirley is opposed in the governor having appointment and removal power over Boards; Armstrong testified at length on the functions of his office and thought that electing the Land Commissioner was better for the people. The Cabinet Concept found a friend in Terrell Blodgett.

Legislature -- Initiative and referendum received a boost from the testimony of Prof. McBride of West Texas State U. Rep. Temple of Angelina also testified in favor of initiative. The newest term around the Capitol is "pod" referring to the ratio between the Senate and House membership in the Commission draft. Peas in the \_\_\_, of course!

Education -- After testimony from the Commissioners on the whole Article the Committee has been hearing testimony on equitable support of Free Public Schools. Prof. Mark Yudof of U.T., who was active in the California school tax case as well as the Rodriguez case, was among those appearing.



(Committee Activities continued)

General Provisions -- Special attention was given to environment, gambling, and pensions in testimony on this article, but the Salary Commission caused great resentment among delegates--especially about waiting till after the general election. Yarbrough and Anne Chappell, both Commissioners, disagreed on removing prohibition on branch banking from the Constitution. Sen. Lloyd Doggett is sponsoring a proposal barring discrimination against the handicapped.

Finance -- The minority report from the Commission members recommends that no less than 1/4 of motor fuel tax is to go for free public schools, while no more than 3/4s of such taxes are to be spent on roads. The committee recognizes how hot an item the Highway Fund is.

Rights, Suffrage -- Hearings are proceeding on voter qualifications. No static about giving former felons the right to vote so far.

NEXT ISSUE: THE RULES IN BRIEF

\*All proposals for the Constitution must be introduced by delegates no later than January 30th. After Feb. 8, 1974, committees may be required to submit their proposals (articles of the constitution) within 7 days to the Convention by a majority vote of the Convention. If the committee as instructed fails to submit its report, its recommendations along with minority reports will come before the Convention at the same time.

John Q. Where Are You?

As the week drew to an end, the Committees were literally begging for the public to testify. Why the public was not there was a mystery, but also possibly an indication of the apathy that will have to be overcome in getting any Constitution adopted by the voters. All Committees will be welcoming citizen input until Jan. 30th, and any League member can always testify as "ordinary citizen." They will be interested in your views, particularly as they pertain to your community. All testimony is taken under oath but no previous arrangements are necessary. Just show up!

Note: LOBBY DAY, Feb. 23, 1974. PLAN TO COME.

CONSTITUTIONAL PRIORITIES - Determined by the State Board of Directors of LWV of Texas meeting in Austin, Jan. 7-10, 1974.

HIGH: Modernizing state and local government in (a) Executive - reorganization of state boards and commissions along functional lines, cabinet; (b) Legislative - annual sessions, eliminate salaries from Constitution; (c) Judicial - unified statewide court system; (d) Mode of Amending - amendment through direct initiative; (e) Local Government - adequate, realistic powers for local governments; flexible structure with legislative and financial powers. Other Areas of Concern - (a) equal educational opportunity and equitable support for education; (b) affirmative command to protect the environment; (c) protection of right to vote of every citizen; (d) removal of the welfare ceiling.

LOW: Modernizing state and local government in (a) Executive - budget originator, limit of two terms, gov. and lt. gov. run as team; (b) Legislative - single member districts, procedures that facilitate public knowledge; (c) Judicial - merit selection, JP courts into courts of record, full-time judiciary qualified to practice law; (d) Mode of amending - question of calling a constitutional convention submitted to the voters every 20 yrs.; (e) local government - comprehensive regional and state planning, intergovernmental cooperation, regulation of single purpose special districts. Other area: removal of highway trust fund.

FLASH -- Attorney General Hill has ruled Bill of Rights to be untouched.



Convention Comments, page 3  
KEEP THIS SHEET FOR LOBBY DAY REFERENCE

CONVENTION MEMBERSHIP

President: Price Daniel, Jr.  
Vice-President: A. M. Aikin, Jr.

Finance Committee - Senate Chamber; Chairman - Caldwell; Vice-Chairman - Santiesteban  
Agnich, Aikin, Bird, Brooks, Calhoun, Denton, Doyle, Hall, Harris (Dallas), Hoesten-  
bach, Hollowell, Jones (Taylor), Jones (El Paso), Lary, Munson, Nugent, Parker, Salem,  
Sullivant, Temple, Truan, Waters, Whitehead.

Local Government Committee - Room 300; Chairman - Washington; Vice-Chairman - Evans  
Allen (Harris), Allen (Gregg), Allred, Atwell, Blythe, Boone, Creighton, Dramberger,  
Garcia, Hanna, Hutchison, Kaster, Martin, Massey, Menefee, Mengden, Murray, Olson,  
Russell, Short, Tarbox, Traeger, Wallace.

Education Committee - House Floor; Chairman - Kubiak; Vice-Chairman - Braecklein  
Barnhart, Bowers, Coody, Foreman, Fox, Hall, Hightower, Madla, Mattox, McAlister,  
McDonald, Pentony, Poerner, Presnal, Preston, Rodriguez, Rosson, Snelson, Thompson,  
Vale, Willis.

Legislature Committee - Speaker's Committee Room; Chairman - Maloney; Vice-Chairman -  
Clower  
Adams (Jasper), Blake, Bynum, Clayton, Davis, Donaldson, Geiger, Head, Henderson,  
Hernandez, Hilliard, Parker, Patman, Poff, Ragsdale, Reyes, Scoggins, Sherman, Tupper,  
Weddington, Wolff.

Judiciary Committee - Old Supreme Court Room (310-314); Chairman - Hale; Vice-Chairman -  
Mauzy  
Baker, Bales, Blanchard, Coleman, Cooke, Denson, Earle, Finnell, Grant, Heatly,  
Hendricks, Hudson, Jones, McDonald, Nabers, Ogg, Peveto, Powers, Spurlock.

General Provisions Committee - Room G-13; Chairman - Gammage; Vice-Chairman - Doran  
Clark, Doggett, Edwards, Green, Harrington, Hubenak, Koriath, Kothmann, Lewis,  
Lombardino, Longoria, Moore, Reynolds, Sage, Sanchez, Wieting, Williams, Williamson,  
Wilson.

Executive Committee - Room 301; Chairman - Meier; Vice-Chairman - Vecchio  
Bock, Adams (Hardin), Cates, Cobb, Craddick, Finney, Gaston, Howard, Johnson, Laney,  
Montoya, McKinnon, Schieffer, Semos, Sherman, Sutton, Von Dohlen, Whitmire, Wyatt.

Rights and Suffrage Committee - Lt. Gov.'s Committee Room; Chairman - Schwartz; Vice-  
Chairman - Nowlin  
Andujar, Bailey, Bigham, Canales, Cole, Green, Harris, Lee, Leland, McKnight, Miller,  
Newton, Nichols, Simmons, Slack, Uher, Vick, Watson, new Dallas member.

Submission and Transition Committee - Chairman - Wolff; Vice-Chairman - Jones (Harris)  
Bird, Bynum, Clower, Doran, Hutchison, Massey, Menefee, Munson, Parker, Preston,  
Snelson, Vale, Wyatt

Style and Drafting Committee - Chairman - Sherman; Vice-Chairman - Von Dohlen  
Andujar, Coody, Doggett, Grant, Kaster, Nugent, Sherman

Administration Committee - Chairman - Hightower; Vice-Chairman - Allen (Harris)  
Bailey, Cole, Hall, Hilliard, Hollowell, Longoria, Semos, Temple, Williams



LE GUE OF WOMEN VOTERS OF TEXAS

Convention Office

308 West 15th Street, Room 305

Austin, Texas 78701



AUG. 5 1974

The League of Women Voters of Texas  
Convention Comments, Final Edition  
No. 20, August 1, 1974

Interim Convention Office  
1104 Wayside Drive  
Austin, Texas 78703

Post-mortem. It takes at least two sides to create a stalemate, and the convention deadlock had three, plus a few individuals with their own causes. Basically there were (1) the delegates who wanted Right to Work (hereafter abbreviated to RTW) to be attached to the Constitution (on the Vote Wrap-Up they voted Yes on Resolutions 1, 11, 13, 20, 23, and 32) (2) the delegates who did not want to see RTW so attached (they generally voted Yes on Resolutions 2, 16, 19, 26) and (3) the delegates who did not like the new constitution (they generally voted No). Many of the RTW proponents professed a willingness to negotiate and drop RTW in exchange for several of the following:

1. Deletion of equal educational opportunity
2. Removal or clarification of SHEAF
3. Removal of right to health care
4. Prohibition of state income tax or referendum on it
5. Broadening of state's right to appeal
6. Removal of felon's voting rights
7. Removal of rights of handicapped
8. Inclusion of a welfare ceiling
9. Removal of mandatory homestead exemption from local governmental ad valorem taxation

Some, but not all, anti-RTW proponents said they would vote to include RTW as a separate submission if the CRC version of the Education Article, Sec. 1, could be included.

S&T Committee tried a number of resolutions on Saturday, July 27, (#14-22) using different combinations within the document and as separate submissions. On your Vote Wrap-Up, Resolution #19 was a package with issues to please conservatives, but no RTW submission. Resolution #20 was a conservative package with RTW designed to test the conservative strength. It was found that none of the packages could "fly" and S&T lapsed back into its more cautious and lethargic role of putting out one resolution a day. The resolutions for the last two days of the convention each had RTW included. Anti-RTW delegates grew bitter with S&T and with Daniel (they felt Daniel was directing S&T) for the strategy of placing the resolutions with RTW included to be voted on last so that the pressure was on anti-RTW delegates to change, rather than on RTW advocates. The votes were locked in by the last four hours of the convention. It was tense. The vote on Resolution #32 was 113 yes, 66 no at 9:40. Daniel retired to twist arms in his office while other delegates did it more visibly on the floor. At 11 p.m. Daniel returned and the motion to reconsider #32 passed 120 yes, 59 no. Gammage, Carl Parker, and Gene Jones, all stalwart labor people, spoke for the resolution. The final vote on #32 (in your Vote Wrap-Up) began at 11:40 p.m. It was 118 Yes, 62 No. Daniel held the vote open for 15 minutes hoping for those three votes. The strategy did not work. We do not have a Constitution to consider in November.

Is there a FUTURE for Constitutional Revision? Maybe. Numerous speakers proclaimed that a convention of the people should be called and Sen. Mauzy twice vowed to sponsor an amendment in the next legislature. Daniel and the staff met on July 31 to review the alternatives and to make plans for preserving the wealth of research material.



# SUMMARY OF RESOLUTIONS FOR VOTE WRAP-UP

- #1 July 11 86 ayes 91 nays  
(1) Basic Constitution as passed 3rd reading; Separate submissions: (2) Limited county home rule; (3) Legislative salary of \$8750--interlocked; (4) 4-yr terms--interlocked; (5) Pari-mutuel prohibition--interlocked; (6) Right to work--interlocked.
- #2 July 15 81 ayes 94 nays  
Basic Constitution with limited county home rule
- #11 July 17 96 ayes 65 nays  
Separate submission on right to work
- #13 July 26 96 ayes 78 nays  
(1) Basic Constitution with the following changes: (a) Higher Education Fund (HEFT) replaced SHEAF; (b) Prohibition on ad valorem tax except HEFT and state building fund; (c) Building Use fees extended 10 years; (d) Single appraisal changed from 1978 to 1977; (e) Court reappraisal changed from 1979 to 1978; HEFT delayed until 1979. Separate submissions: (1) Limited county home rule; (2) Pari-mutuel prohibition; (3) Right to work.
- #16 July 29 92 ayes 85 nays  
Basic Constitution as it appeared in #13; no separate submissions.
- #19 July 29 90 ayes 87 nays  
(1) Basic Constitution as in #13 except that exemption for elderly based on need. Transition schedule allows building use fee for 6 years; single member districts beginning in 1976; preserved other exemptions for elderly. Separate submissions: (2) Limited county home rule; (3) Pari-mutuel prohibition; (4) Four year terms (effective in 1976); (5) Limitation on state taxes; (6) Welfare ceiling.
- #20 July 29 94 ayes 84 nays  
(1) Basic Constitution as in #13 except (a) Education Art., Sec. 1 changed "provided" to "required" and (b) exemption for elderly based on need. Transition schedule allowed building use fees for 6 years and deleted provision allowing felons right to vote. Separate submissions: (2) Limited county home rule; (3) Pari-mutuel prohibition; (4) Four year terms effective 1976; (5) Right to work; (6) Two-thirds vote needed for income tax; (7) Welfare ceiling.
- #23 July 29 100 ayes 79 nays  
(1) Basic constitution as in #13 except drafting change in Executive Article Sec. 24(b) and exemptions for elderly based on need. Separate submissions: (2) Limited county home rule; (3) Pari-mutuel prohibition; (4) Right to work.
- #26 July 30 96 ayes 72 nays  
(1) Basic constitution as in #13 except a new section added to Finance Article which specifies that no retail sales tax could be placed on farm machinery, drugs, or foods.
- #32 July 30 118 ayes 62 nays  
(1) Basic constitution as in #26. Separate submissions: (2) Limited county home rule; (3) Pari-mutuel prohibition; (4) Four-year terms; (5) Right to work (using present statutory language instead of wording from convention); (6) Limitation on state taxes.



# FINAL VOTE WRAP-UP

Y, Yes; N, No; A, Excused Absence; -, Not Voting.

	#1	#2	#11	#13	#16	#19	#20	#23	#26	#32
Adams, D	N	Y	Y	Y	N	N	Y	Y	N	Y
Adams, H.	N	N	N	Y	Y	Y	Y	Y	Y	Y
Agnich	Y	N	Y	Y	N	N	Y	Y	N	Y
Aikin	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
Allen, Joe	N	Y	A	Y	Y	Y	N	Y	Y	Y
Allen, John	Y	N	Y	Y	N	N	Y	Y	N	Y
Allred	N	Y	-	N	Y	Y	N	Y	Y	Y
Andujar	Y	N	Y	Y	N	N	Y	Y	N	Y
Atwell	Y	N	Y	N	N	N	N	N	-	-
Bailey	N	N	Y	Y	N	Y	Y	Y	N	Y
Baker	N	Y	N	N	Y	Y	N	N	Y	N
Bales	N	-	A	N	Y	Y	N	N	Y	N
Barnhart	N	N	Y	N	N	N	N	N	N	N
Bigham	N	Y	-	Y	-	Y	N	Y	Y	Y
Bird	N	Y	N	N	Y	Y	N	N	Y	N
Blake	Y	N	Y	Y	N	N	Y	Y	Y	Y
Blanchard	Y	A	-	N	N	N	Y	Y	N	Y
Blythe	N	N	Y	N	N	N	N	N	N	N
Bock	Y	N	Y	Y	Y	N	N	N	N	Y
Boone	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Bowers	N	N	Y	N	N	N	Y	N	N	Y
Braecklein	N	N	Y	N	N	Y	Y	N	N	N
Brooks	N	Y	N	N	Y	Y	N	N	Y	N
Bynum	Y	Y	N	Y	N	N	N	Y	Y	Y
Caldwell	N	Y	N	N	Y	Y	Y	N	Y	Y
Calhoun	Y	N	-	Y	N	N	Y	Y	N	Y
Canales	N	N	-	-	-	-	-	N	N	N
Cates	-	Y	N	Y	N	Y	Y	Y	Y	Y
Clark	N	Y	n	n	y	Y	n	n	Y	n
Clayton	Y	N	Y	Y	N	N	Y	Y	Y	Y
Clower	N	Y	N	N	Y	Y	N	N	Y	N
Cobb	Y	N	Y	N	N	N	Y	N	N	N
Cole	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Coleman	N	Y	N	N	Y	Y	N	N	Y	Y
Coody	N	Y	Y	Y	N	Y	Y	Y	Y	Y
Cooke	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
Craddick	N	N	Y	N	N	N	Y	N	N	N
Creighton	N	N	Y	N	N	N	N	N	N	N
Daniel	Y	Y	-	Y	-	-	-	Y	Y	Y
Davis	Y	N	Y	Y	N	N	Y	Y	N	Y
Denson	Y	Y	N	Y	Y	Y	N	Y	Y	Y
Denton	N	N	N	N	Y	Y	N	N	Y	N
Doggett	N	N	N	N	Y	N	N	Y	Y	Y
Donaldson	Y	N	Y	Y	N	N	Y	Y	-	Y
Doran	Y	N	Y	Y	N	N	Y	Y	N	Y
Doyle	Y	Y	N	Y	Y	N	Y	Y	Y	Y
Dramberger	N	Y	Y	Y	N	N	Y	Y	N	Y
Earle	Y	Y	N	Y	Y	Y	N	Y	Y	Y
Edwards	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Evans	Y	N	N	Y	Y	Y	Y	Y	Y	Y
Finnell	N	N	Y	N	N	N	Y	N	N	Y



	#1	#2	#11	#13	#16	#19	#20	#23	#26	#32
Finney	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
Foreman	Y	N	Y	Y	N	N	Y	Y	N	Y
Fox	N	N	Y	N	N	N	Y	N	N	N
Gammage	N	Y	N	N	Y	Y	N	N	Y	Y
Garcia	N	Y	N	N	Y	Y	N	N	Y	N
Gaston	Y	N	Y	Y	N	N	Y	Y	Y	Y
Geiger	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
Grant	N	Y	Y	Y	N	Y	Y	Y	Y	Y
Green, F.	Y	N	Y	Y	N	N	Y	Y	-	Y
Green, R.	N	Y	N	N	Y	Y	N	N	Y	N
Hale	N	Y	N	N	Y	N	N	N	Y	Y
Hall, A.	N	Y	N	N	Y	Y	N	N	Y	N
Hall, W.	N	Y	Y	N	Y	Y	N	Y	Y	Y
Hanna	Y	N	Y	N	N	N	Y	N	N	Y
Harrington	N	Y	N	N	Y	Y	N	N	Y	N
Harris, E.	N	N	N	N	Y	N	N	N	Y	N
Harris, O.	Y	N	Y	N	N	N	N	N	N	N
Head	N	N	N	N	N	Y	N	N	Y	N
Heatly	A	N	A	N	N	N	N	N	N	N
Henderson	N	N	Y	N	N	N	Y	N	N	Y
Hendricks	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Hernandez	N	Y	N	N	Y	Y	N	N	Y	N
Hightower	N	Y	A	Y	Y	Y	Y	Y	Y	Y
Hilliard	Y	N	Y	Y	Y	N	Y	Y	N	Y
Hoestenbach	Y	N	Y	Y	N	N	Y	Y	-	Y
Hollowell	Y	N	Y	Y	N	N	Y	Y	-	Y
Howard	Y	N	Y	N	N	N	Y	Y	N	Y
Hubenak	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Hudson	N	N	-	-	Y	N	N	N	Y	N
Hutchison	Y	N	Y	Y	N	N	Y	N	Y	Y
Johnson	N	Y	A	N	Y	Y	N	N	Y	N
Jones, Gene	N	Y	N	N	Y	Y	N	N	Y	Y
Jones, Grant	Y	A	Y	Y	N	Y	Y	Y	-	Y
Jones, L.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kaster	Y	N	Y	Y	Y	N	Y	Y	Y	Y
Korloth	Y	N	Y	Y	N	N	Y	Y	N	Y
Kothmann	N	Y	N	N	N	N	N	N	N	N
Kubiak	N	Y	N	Y	Y	Y	N	N	Y	Y
Laney	Y	N	Y	Y	N	N	Y	Y	N	Y
Lary	Y	N	Y	Y	N	N	Y	Y	N	Y
Lee	Y	N	Y	Y	N	N	Y	Y	N	Y
Leland	N	Y	N	N	Y	Y	N	N	Y	N
Lewis	N	N	Y	Y	Y	Y	Y	Y	Y	Y
Lombardino	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
Longoria	N	N	N	N	N	N	N	N	N	N
McAlister	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
McDonald, F.	Y	N	Y	Y	N	N	Y	Y	N	Y
McDonald, T.	Y	N	Y	Y	Y	Y	Y	Y	N	Y
McKinnon	N	N	Y	A	A	A	A	A	N	Y
McKnight	N	N	Y	N	N	N	N	-	N	N
Madla	N	N	N	N	Y	Y	N	N	Y	N
Maloney	Y	N	Y	Y	N	N	Y	Y	N	Y
Martin	Y	N	Y	Y	N	Y	N	Y	N	Y
Massey	Y	N	Y	Y	N	N	Y	Y	-	Y
Mattox	N	Y	N	N	Y	Y	N	N	Y	N
Mauzy	N	N	N	N	Y	N	N	N	Y	N
Meier	N	Y	Y	Y	Y	N	Y	Y	Y	Y



	#1	#2	#11	#13	#16	#19	#20	#23	#26	#32
Lauhoff	N	Y	N	Y	Y	Y	N	Y	Y	Y
Mengden	N	N	Y	N	N	Y	Y	N	N	Y
Miller	N	Y	N	N	Y	Y	N	N	Y	N
Montoya	N	Y	N	N	Y	Y	N	N	Y	N
Moore	N	N	Y	N	N	N	N	N	N	N
Munson	Y	Y	Y	Y	N	N	Y	Y	N	Y
Murray	Y	N	-	Y	N	N	Y	Y	N	Y
Nabers	Y	N	Y	Y	N	N	Y	Y	N	Y
Newton	Y	N	Y	Y	N	N	Y	Y	N	Y
Nichols	N	N	N	N	Y	-	N	N	-	N
Nowlin	Y	N	Y	Y	N	N	Y	Y	N	Y
Nugent	Y	N	Y	A	Y	Y	Y	Y	N	Y
Ogg	N	N	-	Y	Y	N	Y	Y	Y	Y
Olson	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
Parker, C.	N	N	N	Y	Y	Y	N	N	Y	Y
Parker, W.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Patman	Y	N	Y	Y	Y	N	N	Y	Y	Y
Pentony	N	N	Y	N	N	Y	N	N	Y	N
Peveto	N	Y	N	Y	Y	Y	Y	Y	Y	Y
Poerner	Y	N	Y	N	N	N	N	N	N	N
Poff	N	N	N	N	N	Y	Y	N	Y	N
Powers	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
Presnal	Y	N	Y	Y	N	N	N	Y	N	Y
Preston	Y	Y	N	Y	Y	N	Y	Y	Y	Y
Ragsdale	N	Y	-	N	Y	Y	N	N	Y	N
Reyes	N	Y	N	N	Y	Y	N	N	Y	N
Reynolds	Y	A	Y	Y	N	N	Y	Y	N	Y
Rodriguez	N	N	N	N	Y	Y	N	N	N	N
Rosson	Y	N	Y	N	N	N	Y	N	N	Y
Russell	Y	N	Y	Y	N	N	Y	Y	-	Y
Sage	Y	N	Y	Y	N	Y	Y	Y	N	Y
Salem	N	Y	N	N	Y	Y	N	N	Y	N
Sanchez	A	A	A	A	Y	N	N	N	-	N
Santiesteban	A	Y	N	Y	Y	Y	N	Y	Y	Y
Schieffer	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Schwartz	N	Y	N	N	Y	Y	N	N	Y	N
Scoggins	Y	N	Y	Y	N	N	Y	Y	N	Y
Semos	N	N	N	Y	N	Y	Y	Y	N	Y
Sherman, M.	Y	Y	Y	Y	Y	N	N	Y	Y	Y
Sherman, W.	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
Short	Y	N	Y	N	N	N	Y	N	N	Y
Simmons	Y	N	Y	-	N	N	N	N	N	N
Slack	N	-	-	N	N	N	N	N	N	N
Snelson	Y	N	Y	Y	N	N	Y	Y	N	Y
Spurlock	Y	N	-	Y	Y	Y	Y	Y	Y	Y
Sullivant	Y	N	Y	Y	N	N	Y	Y	N	Y
Sutton	N	N	N	N	N	N	N	N	N	N
Tarbox	N	N	Y	N	N	N	N	N	N	N
Temple	N	Y	N	N	N	Y	N	N	Y	N
Thompson	N	N	N	N	N	N	N	N	-	N
Traeger	Y	Y	Y	Y	Y	N	Y	Y	N	Y
Truan	N	Y	N	N	Y	Y	N	Y	Y	N
Tupper	N	N	Y	Y	Y	Y	Y	Y	Y	Y
Uher	Y	N	Y	Y	N	N	Y	Y	-	Y
Vale	N	Y	N	N	Y	Y	N	N	Y	N
Vecchio	N	Y	N	N	Y	Y	N	N	Y	Y
Vick	N	N	Y	N	N	N	Y	N	N	Y



	#1	#2	#11	#13	#16	#19	#20	#23	#26	#32
Von Dohlen	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Wallace	N	N	N	N	N	Y	N	N	N	N
Washington	N	Y	N	N	Y	Y	N	N	Y	N
Waters	N	Y	N	N	Y	Y	N	N	Y	N
Watson	N	Y	N	N	Y	Y	N	N	Y	N
Weddington	Y	Y	A	N	Y	Y	N	Y	Y	Y
Whitehead	Y	Y	Y	Y	N	N	Y	Y	-	Y
Whitmire	N	Y	Y	N	N	N	N	N	N	N
Wieting	N	N	Y	Y	N	N	N	Y	N	Y
Williams	N	Y	N	N	Y	Y	N	N	Y	N
Williamson	Y	N	Y	-	N	N	Y	Y	N	Y
Willis	N	Y	N	N	Y	Y	N	Y	Y	N
Wilson	Y	N	Y	Y	Y	N	Y	Y	N	Y
Wolff	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Wyatt	Y	Y	A	Y	Y	Y	N	Y	Y	Y
Bryant	N	Y	N	N	Y	Y	N	N	Y	N

The League of Women Voters of Texas  
Interim Convention Office  
1104 Wayside Drive  
Austin, Texas 78703



The League of Women Voters of Texas  
Convention Comments  
No. 19, July 19, 1974

Interim Convention Office  
1104 Wayside Drive  
Austin, Texas 78703

Stalemate, Standoff, or Stall. No Comments have been published these last two weeks because there has been little visible progress in passing a constitution out of the convention. Delegates seemed filled with a spirit of compromise when they voted affirmatively on each article that last week in June. The July 4 recess gave them an opportunity to recall the issues they lost, and they returned to Austin ready to reopen controversial issues.

First Vote. As promised, S&T gave the delegates Resolution #1, which was the Constitution, 5 separate proposals, a transition schedule, an explanation of the articles, a side-by-side comparison of the proposed constitution with the 1876 document, and proposals for publicity. The entire package was voted down 86-91. Delegates spoke of opposition to right-to-work, equal educational opportunity, and the PUF and SHEAF funds.

Second Vote. After hearing testimony over the week-end from delegates, S&T sent out Resolution #2, which comprised the body of the constitution and the separate proposal on Limited County Home Rule. This package failed 81-94. There were 104 changes from the previous vote. Generally the right-to-work proponents voted aye on the whole package the first vote and nay on the second when the separate submission was not included with the main document.

Third Vote. Next S&T tried sending the five separate submissions to the floor to be voted on individually. Legal problems have been raised on whether the convention can amend both the proposed constitution and the 1876 document, and so each separate submission would have amended only the new constitution. Each failed to reach the 121 votes by the following votes: (1) Limited County Home Rule 119-36; (2) \$8750 Legislative Salary 49-103; (3) Four-year House terms 73-87; (4) Pari-mutuel Wagering Prohibition 103-65; and (5) Right-to-Work 96-66. The two legislative proposals were found to be the weakest vote getters and are the most likely to be dropped.

Fourth Vote. The convention will convene July 22 to vote on Resolution #12, which consists of (1) the Constitution with a new Education Article Section 9 which substitutes the 10¢ per \$100 valuation state ad valorem tax for the SHEAF fund. A state ad valorem tax other than for higher education and state buildings is prohibited and in the transition schedule the prohibition of building use fees is deferred 10 years. (2) Limited County Home Rule; (3) Pari-mutuel prohibition; (4) Right-to-Work. The three separate submissions amend only the proposed constitution.

Submission and Transition. There are two main theories on how the committee should proceed to get 121 votes, and the committee vacillates without a clear sense of direction. Theory #1 is that delegates will not vote aye until the time has run out (July 30), and until they are certain that it is impossible to make changes they would like to see. Sen. Wallace testified that he voted nay each time because he wanted to be in on the compromises and he felt that if he had voted for the constitution he wouldn't be consulted. According to this theory, S&T might as well stall and let the pressure build. When the time has run out, they can send out a package and the convention will have to pass it. Theory #2 is that the constitution is in deep trouble and that many compromises will be necessary. Rep. Hale subscribes to this theory and advocates having the committee send out 3 or 4 resolutions each day and then study the voting patterns to arrive at a plan of compromise that will muster 121 votes. S&T is under great pressure and swings back and forth on sending out many separate items for test votes or on constructing (slowly and deliberately) a package deal perhaps coupled with a sine die resolution.

Equal Educational Opportunity. This section has been cited as top priority for deletion by many delegates, but so far S&T has backed off from making a change. Of the 15 committee members, 10 voted for equal educational opportunity, and so 2/3s are personally committed to its inclusion. Also the feeling has been that to tamper with Section 1 would



lose as many votes as would be gained. Rep. Truan and Rep. Kubiak testified against any weakening of the section. Two proposals for alternative wording for Sec. 1 were submitted by Sen. Clower and were defeated in S&T. The matter is not dead as long as compromises are sought, so remind your delegates that we stand firmly behind equal educational opportunity and that we want it stated as a mandate and not as a goal.

Welfare Ceiling. S&T has shown no interest so far in following up on delegates' suggestions to put a ceiling on welfare spending. The issue comes up so often that it might be revived if S&T and the convention should panic in the last few days. Stand by on this one.

Transition Schedule. The following are some of the major provisions:

1. The Constitution is to take effect on Sept. 1, 1975.
2. The following provisions will be delayed in taking effect:
  - a. Redistricting of legislative and congressional seats--Jan. 1, 1981.
  - b. Provision for one appraisal body per county and implementation of standards and procedures for appraising--Jan. 1, 1978. (Or may be Jan. 1, 1977).
  - c. Provision that courts can issue orders equalizing property appraisals for all property owners within a taxing authority--Jan. 1, 1979.
3. The following provision will be accelerated:
  - a. All of the Legislative article (with the exception of Sec. 5 on redistricting) will be effective Jan. 1, 1975.
  - b. All of the Executive article will be effective Jan. 1, 1975.
4. Unless otherwise provided by law enacted after July 31, 1974, no person may be disqualified from voting because of a felony conviction unless incarcerated, on parole, or on probation.

LWV Convention Office. Our work continues as long as the convention meets, but our office on West 15th has closed down. Communication can be made (please do) to Susan Reid, at 1104 Wayside Drive, Austin 78703. (Telephone Area 512, 474-2696)

League of Women Voters of Texas  
Interim Convention Office  
1104 Wayside Drive  
Austin, Texas 78703



JUL 1 1974

The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 18, June 28, 1974

Convention Office  
308 W. 15th St., Rm. 305  
Austin, Texas 78701

THE PUSH IS ON. The carrot of a long July 4 holiday seems to be working. Delegates finished 3rd reading on Executive, Finance, Judiciary, and Separation of Powers this week. General Provisions will come to the floor on Monday p.m. and when delegates finish the article they will adjourn until July 8 or 9. S&D made no changes in the Gen. Prov. section on environment.

LEGISLATURE. Governor Briscoe got his way. Rep. Carl Parker's amendment deleting the provision allowing the legislature to call itself into special session passed. The legislature only retained the right to convene to override a governor's veto and to debate impeachment. The legislature's power was significantly weakened on 3rd reading to win Briscoe's support of the Constitution.

EXECUTIVE. In spite of unprecedented confusion on the floor, the article passed 134-22. Sec. 24, which proved to be most controversial, was voted on separately and passed 115-41. Sec. 24 provides that all state agencies (except those relating to higher education and those confined to a region such as a river authority) "have a life of not more than 10 years unless renewed by law for not more than 10 years at a time." That provision plus the executive's new budget execution power should make quite a difference in the state's bureaucracy. Other amendments allow the governor to call out the National Guard in case of disasters (not limited to "natural" disasters) and permit the Senate to convene within 20 days of the appointment of a Lt. Gov. to vote on confirmation.

FINANCE. The major change on 3rd reading was in the Highway Fund. In a surprise move, Rep. Coleman (El Paso) proposed that any "petroleum products manufacturing tax" be exempted from being dedicated to the Highway Fund. Delegates seemed confused on the implications of this, but when Rep. Davis (Dallas) added the proviso that if this passed the separate submission putting a lid on the Highway Fund tax would be deleted, delegates warmed to Coleman's proposal and voted 100-50 for it--exactly the 2/3 vote needed. Currently there is no such tax, but it is an attractive one since 3/4 of the petroleum manufactured in Texas goes to out-of-state users, and thus Texans would be paying only 1/4 of the revenue derived from the tax. It seems that this does add flexibility to the Highway Fund since the old article had carefully specified that any tax on petroleum except a severance tax would go to highways. With this new provision, the tax at the pump can go up or down as needed, and there is a new tax source for the General Fund. Each section of the article was voted on separately. They all passed with margins ranging from 148-2 to 101-47.

SEPARATION OF POWERS. The article as adopted on 3rd reading by 131-5 is essentially the provision from the 1876 Constitution. Delegates took out a few really archaic phrases, but left in the sentence which has caused trouble in the past. Attorneys General and the courts have put a very narrow construction on "Members of one branch may not exercise any power properly attached to either of the others, except as otherwise authorized by this constitution," and there have been problems in such areas as judicial review of (Executive Branch) agency administrative decisions. These problems will still be with us thanks to the Rights and Suffrage Committee's refusal to accept S&D changes.



PUBLICATION OF THE CONSTITUTION. The Committee on Public Information has voted to take bids on printing a 32-page newsprint tabloid --size copy of the new constitution. They anticipate distributing these to the 3.7 million mailing addresses in the state.

SUBMISSION AND TRANSITION. Attention is focused on this committee by weary delegates. The S&T committee must give the convention a constitution (articles plus separate proposals in one package) that can garner 121 votes. S&T can remove sections from an article to be submitted separately and can put separate proposals back into the body of the constitution. If delegates do not pass the constitution on the first one or 2 votes, S&T could become very powerful. Decisions reached so far by the committee include: 1) the constitution will be voted on at the Nov. 5 general election, 2) if accepted, it will take effect Sept. 1, 1975, and 3) the document with its separate proposals as it passed 3rd reading will be the first package offered to the convention by S&T. Last week no one thought this could get 121 votes, but support for the present product has been growing, and it may pass the 1st time.

SEPARATE SUBMISSIONS. At this time the ballot would look something like

- this:
- |   |     |    |
|---|-----|----|
| 1. New Constitution   | Yes | No |
| 2. Limited County Home Rule in New Constitution   | Yes | No |
| 3. In new Constitution--Salary Commission or \$8750 annual fixed salary                           | Yes | No |
| 4. To be included in New Constitution or in 1876 Constitution if new constitution is not adopted: |     |    |
| a. Four-year terms for House  | Yes | No |
| b. Prohibition of pari-mutuel wagering  | Yes | No |
| c. Right to work provision  | Yes | No |
| 5. If new Constitution is not adopted, should 1876 Constitution be amended to:                    |     |    |
| a. Establish a salary of \$8750 for legislators   | Yes | No |
| b. Allow article-by-article amendment of 1876 Constitution  | Yes | No |

TRANSITION SCHEDULE. S&T Committee is also responsible for the Transition Schedule. Judiciary is the only article that was passed complete with its schedule. The following is a summary of an article by George Braden distributed to the delegates on the schedule: The constitution should deal only with the continuing future operation of government and the language should be simple rather than technical. After all substantive policy decisions have been reached, a transition schedule should cover the temporary mechanics of going from one constitution to another. It is a technical document, loaded with detail, and it should provide that as transitions are accomplished, the transitional sections are dropped from the schedule. Needed provisions would include: 1) Affirmation of the continuation of all laws, regulations, rights of action, etc. 2) Continuation of officers and powers of government 3) Procedures to handle 'statutory' provisions in the new constitution--these include direct enactments of statutory policy, commands to enact a policy, exemptions, and authorizations for exemptions.

LEAGUE OF WOMEN VOTERS OF TEXAS

CONVENTION OFFICE

308 W. 15th St., Room 305  
Austin, Texas 78701



The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 17, June 21, 1974

JUN 21 1974

Convention Office  
308 W. 15th St., Rm. 305  
Austin, Texas 78701

\*\*\*\*\* The Convention is speeding along fairly smoothly. These articles have passed 3rd reading:

6/13	Bill of Rights	145-0		
6/13	Voter Qualifications	140-9		
6/13	Mode of Amending	106-42		
6/18	Local Government	123-36	Limited County Home Rule	117-40
6/18	Education (division of the question)			
	Sec. 1:	100-52	Sec. 2:	133-18
	Sec. 4:	141-11	Sec. 5:	149-3
	Sec. 7:	103-50	Sec. 8:	103-50
			Sec. 3:	130-22
			Sec. 6:	147-5
			Sec. 9:	89-67
6/21	Legislature	101-26		

The 3rd reading amended article is resubmitted to S&D for the new material to be incorporated. The convention must vote S&D's final draft up or down by a majority vote. Amendments may not be added. The articles then go to Transition and Submission.

LOCAL GOVERNMENT. The attempt to make the County Home Rule separate submission meaningful failed. By a vote of 86 to 70, delegates decided to relabel the provision "Limited County Home Rule" and leave the section as it was. It is likely that as a separate submission item, it will be struck by Submission and Transition and may not appear on the ballot. Since the provision won't allow county voters to vary their form of government, we would prefer that it be dropped. A pure County Home Rule provision was offered by Rep. Kaster (El Paso), but was tabled 80-71. Rep. Hutchison (Dallas) offered a more limited proposal (but one we could have supported). It was killed by a substitute motion offered by Rep. Menton Murray (Harlingen) to relabel the provision. The vote on Murray's substitute was: For, 86; Nay, 70.

For: D. Adams, H. Adams, Aikin, John Allen, Allred, Andujar, Atwell, Baker, Barnhart, Bird, Blythe, Bock, Boone, Bowers, Brooks, Cates, Clark, Cobb, Coleman, Coody, Cooke, Denton, Donaldson, Doran, Dramberger, Evans, Gammage, Grant, R. Green, W. Hall, Hanna, O. Harris, Head, Heatly, Henderson, Hightower, Hilliard, Hoestenbach, Hollowell, Howard, Johnson, Koriath, Kothmann, Kubiak, Laney, Lary, Lee, Leland, Lombardino, T. McDonald, McKnight, Madla, Martin, Mauzy, Mengden, Nabers, Newton, W. Parker, Patman, Poerner, Poff, Preston, Reyes, Rodriguez, Rosson, Russell, Sage, Salem, Schieffer, Schwartz, M. Sherman, Short, Slack, Spurlock, Tarbox, Thompson, Traeger, Uher, Wallace, Washington, Watson, Whitehead, Wieting, Williams, Williamson, Wilson.

Against: Agnich, Joe Allen, Bailey, Bales, Bigham, Blake, Braecklein, Bynum, Caldwell, Calhoun, Clayton, Clower, Cole, Davis, Denson, Doggett, Doyle, Earle, Edwards, Foreman, Fox, Garcia, Gaston, Geiger, F. Green, A. Hall, Harrington, E. Harris, Hendricks, Hernandez, Hutchison, Gene Jones, Grant Jones, Luther Jones, Kaster, Longoria, McAlister, F. McDonald, Maloney, Massey, Mattox, Meier, Lauhoff, Millder, Munson, Nichols, Nowlin, Ogg, Olson, C. Parker, Pentony, Peveto, Powers, Ragsdale, Reynolds, Santiesteban, Scoggins, W. Sherman, Simmons, Sullivant, Sutton, Temple, Truan, Tupper, Vecchio, Von Dohlen, Waters, Whitmire, Wolff, Bryant.

Excused Absences: Blanchard, Creighton, Finney, Hubenak, McKimmon, Montoya, Moore, Nugent, Sanchez, Semos, Snelson, Vick

EDUCATION: Many delegates agreed with S&D (and LWV) that Equal Educational Opportunity and local enrichment were inconsistent in Sec. 1, but the delegates friendly to Equal Educational Opportunity were certain they didn't have the votes to remove local enrichment. Their strategy apparently was to stay quiet and hang on to what we had. Rep. Barnhart (Pasadena) failed in



three attempts to weaken Equal Educational Opportunity. The debate had none of the acrimony flavoring the February sessions. An amendment by Rep. Lary (Burrêt) passed 79-71. It makes the last phrase of Sec. 1 read "... but a school district may provide local enrichment of educational programs over and above the level provided by the state consistent with general law." This addition may be judged redundant and might be removed by S&D. No attempt was made to remove the mandate for per pupil allotment of the Available School Fund in Sec. 2d. Although the Education Article is one that gives us very little, prolonged debate or recommitment to the Education Committee might have resulted in loss of Equal Educational Opportunity.

LEGISLATIVE. Annual sessions and legislative salaries are not receiving any attention on 3rd reading. Controversy centers on two demands of Governor Briscoe. The first is to change the number required to override a veto from 2/3 of those present and voting to 2/3 of the membership of each house. Rep. Hale offered an amendment to the Governor's liking, but delegates rejected it 104-56. A day later, under considerable pressure from Daniel, delegates accepted by 106-41 a proposal by Sen. Meier to allow a 3/5 vote of the membership of each house to override a gubernatorial veto. This is 90 House members and 19 Senators. The amendment is reported to be acceptable to Briscoe. The second change Briscoe requested is for the Legislature to relinquish the power to call itself into special session. The Sullivan amendment changed the number of members needed to call a special session from a majority to 3/5. It passed 113-37. On recess Thursday, debate was heated on Rep. Carl Parker's amendment which would delete the provision as the governor requested. Delegates believe the governor's endorsement of the constitution is absolutely necessary for its passage, but there is bitterness with Briscoe for waiting until after 2nd reading before making his desires known.

FINANCE. The only sections of the Finance article that have stirred controversy in S&D are Sec. 6--Ad Valorem Tax Appeals (Rep. Nugent, the Finance representative, felt trial de novo rights were not adequately expressed) and Sec. 7--Highway Fund (No further bonds will be sold at the county level).

AGENDA. Daniel's present schedule is to take up Executive and Finance next week and finish 3rd reading on all articles before July 4. He is calling on the delegates to finish 2 weeks before the deadline of July 31.

CON OFFICE: Grace Schmitt has taken a full-time job with the Austin Public Library, and so she has recruited new help in the office. This CONVENTION COMMENTS was put out by Susan Reid, Austin TCR Chairman, and M. Loehlin.

LEAGUE OF WOMEN VOTERS OF TEXAS

CONVENTION OFFICE

308 W. 15th St., Room 305

Austin, Texas 78701



The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 16, June 14, 1974

JUN 14 1974  
Convention Office  
308 W. 15th St., Rm. 305  
Austin, Texas 78701

3RD READING. Incredible as it seems, we have a rough draft of a new constitution through the second phase. This next to final phase may move very rapidly if the opening session is any sample. The articles now before the Convention are the Style and Drafting reports. They are presented as a whole with amendments to reconcile contradictions or conflicts being brought by the S&D committee. If the Chair rules that the amendment is only to resolve a conflict within or between articles then the amendment can be passed by a majority vote. Any other substantive amendment will require a 2/3 vote. Passed on 3rd Reading are: Art. I (Bill of Rights) 145-0; Art. VI (Voter Qualifications) 106-42; Art. XI (Mode of Amending) 140-9. Section 1 of Mode of Amending allowing article-by-article revision of the constitution if the new constitution fails will be offered as a separate submission.

TIME FOR ACTION. LOCAL GOVERNMENT. Contact your delegates IMMEDIATELY by phone to urge their support of a strengthened County Home Rule separate submission. We want county voters to be able to vary the structure of their government to suit their needs and not be bound by the rigid provisions in Sec. 3 and Sec. 8. These two sections spell out all the officers and require that they all be elected. Cities have long held home rule rights with no disastrous effects, and we think it is time that the 254 highly diversified counties of Texas be given the same choice.

S&D has pointed out that there is an inconsistency between county home rule and the restrictions in Sections 3 & 8. WE AGREE. If the Chair rules that this is only an amendment to correct a conflict it will take only a majority vote. ACT NOW ! THIS COMES TO THE FLOOR MONDAY AFTERNOON. S&D has offered some additional wording that would give counties more latitude in governing themselves; so has Hutchison. Either seems better than what there is now. If they don't strengthen home rule, we would rather they dropped it.

JUDICIARY. This much compromised article finally garnered enough votes to pass 117-45. The final proposal (reviewed in last COMMENTS) was presented to the Convention with no amendments possible. The overall article is hardly as strong as the League would have liked. However, the court structure is merged, and there is a central administrative and financial structure. This is an article we can support.

ENVIRONMENT. The highly publicized meeting with Hutchison last Monday brought together the old antagonists but produced no solutions. Mr. Hutchison did ask for reconsideration of his amendment on Tuesday, and the Convention settled for adopting a brief policy statement as an amended Sec. 6. It is not the strong affirmative command to protect the environment that we wanted, but it is an improvement over the previously adopted section. Sec. 6 now makes it public policy to protect the environment and mandates the legislature to pass appropriate laws. The problem is clearly once again on the backs of the legislators--where it has always been.

EDUCATION. Now is the time to write to the delegates serving on this Committee (see COMMENTS No. 1) to point out the effects of local enrichment and per pupil allotment of the Available School Fund on equal educational opportunity. Reread the Facts & Issues on Public School Financing issued several years ago by the LWV of Texas.



June 14, 1974

The Committee reviewing the S&D report is concerned that the local enrichment phrase has been moved from Sec. 5 to Sec. 1. Many of them recognize that it clearly modifies Equal Educational Opportunity. No attention has been drawn to the fact that the Available Fund as a flat allotment is an even greater barrier to Equal Educational Opportunity (Article VII, Sec. 2c).

Please point out that this is also an internal inconsistency--it would then be subject to change by a majority vote. A floor amendment put in the present wording. The Committee report had simply stated that after free textbooks and other instructional materials has been provided the remainder of the fund was to go for the support of the free public schools. We would prefer that wording since it gives the legislature the flexibility to use this money to deal with the financial inequities among the school districts. Giving all school districts the same amount of money--rich and poor alike--only compounds the discrepancy and is a barrier to equal educational opportunity.

IT IS URGENT THAT YOU ACT QUICKLY. Committee members will meet Monday on adjournment and the report may come to the floor for 3rd reading by Thursday. MAKE SURE THAT YOU GET YOUR VIEWS TO THEM BEFORE THEN.

LEAGUE OF WOMEN VOTERS OF TEXAS  
CONVENTION OFFICE  
308 W. 15th St., Rm. 305  
Austin, Texas 78701



JUN 10 1974

The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 15, June 7, 1974

Convention Office  
308 W. 15th St., Room 305  
Austin, Texas 78701

ENVIRONMENT. In a press release Wednesday, Delegate Hutchison announced he is setting up a meeting Monday for the LWV, environmental groups, and assorted industrialists to hash out the environmental section. In the wake of the storm raised over the passage of his environmental section, Mr. Hutchison offered to move for reconsideration (still unmade), to pull his proposal down, and to leave the Constitution silent on the subject. Now it appears that Mr. Hutchison is attempting to pass the hot potato and to come out looking like the mediator.

The highly controversial environment section has emerged from the Convention quite a bit different from the way it was originally proposed by the CRC, and a recap might help.

The CRC statement was a short 3-sentence paragraph calling on the state and each person to maintain and improve a healthful environment, and making it the duty of the legislature to provide for administration and enforcement. It lacked teeth and the LWV hoped for something more.

The Committee report was written with an eye to protecting the bonding abilities of special districts and authorities rather than the environment and equated conservation and development in every sentence. Because of this, environmental groups, and the League, opposed it. The Doggett proposal, which made state agencies trustees of our natural resources and gave citizens the right to sue, was supported instead. The Doggett proposal was tabled 90-64.

HUTCHISON AMENDMENT. Replaces Committee Section 6 with two sections, 6 and 7, requiring the renumbering of all succeeding sections of the General Provisions Article. Hutchison Section 6 states that it is public policy to protect the quality of the environment and the legislature must enact laws implementing and enforcing this policy. It next states that designated state agencies (unspecified) are trustees and shall perform such duties as imposed on them by the legislature. The sentence that unhinged the environmental groups reads, "Persons, as beneficiaries, can enforce this trust only by suits against such agencies and only in the manner provided by law." Adopted 79-72; 2 PNv, 28 NV (record vote #10). It is interesting to compare Record Vote #9, which originally passed the Hutchison amendment with Vote #10 in which the section was formally adopted. Please notice there are some vote changes and a few more NV. These votes are considered by environmentalists to be the first clear cut tallies available on the issue. Be sure you know how your delegates voted on both. While #10 is the final and more highly publicized vote, #9 is possibly the more revealing.

In an all-out effort to have this section reconsidered the LWV has sent letters to Price Daniel, all delegates, and has issued a press release stating we would rather the constitution remain silent than include this section. LET YOUR DELEGATES HEAR FROM YOU.

The new Section 7, adopted 113-38, 3 PNv, 2 NV, is devoted to conservation and development of natural resources and delineates everything from "... the control, storing, preservation and distribution of the state's storm and flood waters" to irrigation and drainage of lands needing such, protection of lands by the abatement of subsidence, disposal or recycling of solid wastes, conservation and development of power, fuel, energy resources, and state's forests and navigation of inland and coastal waters. All of these are declared public rights and purposes, and the legislature must pass appropriate laws.

The League and other environmental groups are not attempting to challenge Section 7 because of the large margin by which it passed.

Section 7b for the removal of waters from the basin of origin forbids the use of state funds unless there is sufficient interstate replacement. This section was an amendment by Clayton and passed 89-58, 1 PNv, 33 NV.



TEXAS CONSTITUTIONAL CONVENTION. Motion to Adopt the Hutchison Amendment as Amended to  
Sec. 6, Art. X. Yea--94; Nay--64; ENV--1; NV--22. Record vote # 9

		Geiger	Y		Newton		X
		Grant		N	Nichols		N
Adams, D.	Y	Green, F.	Y		Nowlin	Y	
Adams, H.	Y	Green, R.		N	Nugent	Y	
Agnich	Y	Hale	Y		Ogg		N
Aikin	Y	Hall, A.		N	Olson		N
Allen, Joe	X	Hall, W.		N	Parker, C.		N
Allen, John	Y	Hanna	Y		Parker, W.	Y	
Allred		H arrington		N	Patman		N
Andujar	Y	Harris, E.		N	Petony		N
Atwell		Harris, O.	Y		Peveto	Y	
Bailey	Y	Head		N	Poerner		X
Baker	Y	Heatly	Y		Poff	Y	
Bales		Henderson	Y		Powers		N
Barnhart	Y	Hendricks	Y		Presnal	Y	
Bighan		Hernandez		N	Preston	Y	
Bird		Hightower	Y		Ragsdale		
Blake	Y	Hilliard	Y		Reyes		N
Blanchard	Y	Hoestenbach	Y		Reynolds	Y	
Blythe		Hollowell		N	Rodriguez		N
Bock	Y	Howard	Y		Rosson	Y	
Boone	Y	Hubenak	Y		Russell	Y	
Bowers	Y	Hudson		N	Sage	Y	
Braecklein		Hutchison	Y		Salem	Y	
Brooks		Johnson		N	Sanchez		
Bynum	Y	Jones, Gene		N	Santiestepan		X
Caldwell		Jones, Grant	Y		Schieffer	Y	
Calhoun	Y	Jones, L.		N	Schwartz		N
Canales	Y	Kaster	Y		Scoggins	Y	
Cates	Y	Korloth	Y		Semos		N
Clark		Kothmann		N	Sherman, M.	Y	
Clayton	Y	Kubiak	Y		Sherman, W.	Y	
Clower		Laney	Y		Short	Y	
Cobb		Lary	Y		Simmons	Y	
Cole		Lee		X	Slack	Y	
Coleman		Leland		N	Snelson	Y	
Goody	Y	Lewis	Y		Spurlock	Y	
Cooke	Y	Lombardino		X	Sullivant	Y	
Craddick		Longoria		N	Swiston		N
Creighton	Y	McAlister	Y		Tarbox		X
Daniel		McDonald, F.	Y		Temple		N
Davis	Y	McDonald, T.	Y		Thompson		
Denson		McKinnon	Y		Traeger	Y	
Denton		McKnight	Y		Truan		N
Doggett		Madla		N	Tupper	Y	
Donaldson	Y	Maloney	Y		Uher		
Doran	Y	Martin	Y		Vale		N
Doyle		Massey	Y		Vecchio		N
Dramberger		Mattox		N	Vick		X
Earle		Mauzy		X	Von Dohlen	Y	
Edw rds	Y	Meier		N	Wallace		N
Evans		Lauhoff		N	Washington		N
Finnell	Y	Mengden	Y		Waters		N
Finney	Y	Miller		N	Watson		N
Foreman		Montoya	Y		Weddington		N
Fox	Y	Moore	Y		Whitehead		N
Gammage		Munson	Y		Whitmire	Y	
Garcia		Murray	Y		Wieting	Y	
Gaston	Y	Nabers	Y		Williams		N
Williamson NV; Willis N; Wilson Y; Wolff NV; Wyatt Y; Bryant N.							



TEXAS CONSTITUTIONAL CONVENTION. Record Vote 10. Adoption of Sec. 6, Art. X, as amended.

Yea, 79; Nay, 72; PNV, 2; NV, 28.

Adams, D.	Y	Grant	N	Newton	X	
Adams, H.	Y	Green, F.	Y	Nichols		N
Agnich	N	Green, R.	N	Nowlin	Y	
Aikin	Y	Hale (chair)	X	Nugent		N
Allen, Jo	X	Hall, A.	N	Ogg		N
Allen, John	Y	Hall, W.	N	Olson		N
Allred		Hanna	Y	Parker, C.		N
Andujar	Y	Harrington	N	Parker, W.	Y	
Atwell		Harris, E.	N	Patman		N
Bailey	Y	Harris, O.	Y	Pentony		N
Baker	N	Head	N	Peveto	Y	
Bales		Heatly	Y	Poerner		X
Barnhart	Y	Henderson	Y	Poff	Y	
Bigham	N	Hendricks	N	Powers		N
Bird	N	Hernandez	N	Presnal	Y	
Blake	Y	Hightower	Y	Preston		N
Blanchard		Hilliard	Y	Ragsdale		
Blythe	N	Hoestenbach	Y	Reyes		N
Bock	Y	Hollowell	N	Reynolds	Y	
Boone	Y	Howard	Y	Rodriguez		N
Bowers	Y	Hubenak	Y	Rosson	Y	
Braecklein	N	Hudson	N	Russell	Y	
Brooks	N	Hutchison	Y	Sage	Y	
Bynum	Y	Johnson	N	Salem		N
Caldwell		Jones, Gene	N	Sanchez		
Calhoun	Y	Jones, Grant	Y	Santiestepan		X
Canales	Y	Jones, L.	N	Schieffer	Y	
Cates	Y	Kaster	Y	Schwartz		N
Clark	N	Korloth	Y	Scoggins	Y	
Clayton	Y	Kothmann	N	Semos		N
Clover	N	Kubiak	Y	Sherman, M.	Y	
Cobb		Laney	Y	Sherman, W.	Y	
Cole		Lary	Y	Short	Y	
Coleman	N	Lee	X	Simmons	Y	
Coody	Y	Leland	N	Slack	Y	
Cooke	Y	Lewis	Y	Snelson	Y	
Craddick	X	Lombardino	X	Spurlock	Y	
Creighton	Y	Longoria	N	Sullivant	Y	
Daniel		McAlister		Sutton		N
Davis	Y	McDonald, F.	Y	Tarbox		X
Denson	N	McDonald, T.	Y	Temple		N
Denton	N	McKinnon	N	Thompson		N
Doggett	N	McKnight		Traeger	Y	
Donaldson	Y	Madla	N	Truan		N
Doran	Y	Maloney	Y	Tupper		
Doyle	N	Martin	Y	Uher		
Dramberger		Massey	Y	Vale		N
Earle	N	Mattox	N	Vecchio		N
Edwards	Y	Mauzy	X	Vick		X
Evans	Y	Meier	N	Von Dohlen		N
Finnell	Y	Lauhoff	N	Wallace		N
Finney	Y	Mengden	Y	Washington		N
Foreman	N	Miller	N	Waters		N
Fox	X	Montoya	N	Watson		N
Gammage	N	Moore	Y	Weddington		N
Garcia	N	Munson	N	Whitehead	Y	
Gaston	Y	Murray		Whitmire	Y	
Geiger	Y	Nabers	Y	Wieting	Y	

Williams N; Williamson NV; Willis N; Wilson Y; Wolff PNV; Wyatt Y; Bryant N.



## CONVENTION COMMENTS

June 7, 1974

**GENERAL PROVISIONS.** The convention is using a different method of handling the diverse General Provisions article. Instead of going through the whole article taking amendments and then going back for a final vote on the article, the convention voted to treat each section as if it were a separate article. Using this method they take amendments, hear debate, vote on amendments, and take a final vote on adoption. To date they have adopted 15 sections of this controversy-filled article. These sections include prohibition of wage garnishment, prohibition on branch banking, homestead protection with no refinancing allowed, and protection of public beaches and submerged lands bordering the open Gulf of Mexico.

**JUDICIARY.** Still no definite compromise in sight for this article. The latest attempt being tried would allow the supreme court to sit in sections (but not civil and criminal); would make circuit courts optional by changing "shall" to "may", but would allow the legislature "from time to time to determine the number and location of such courts," would permit county courts to continue unless otherwise provided by law with jurisdiction as provided by law; provides for state right of appeal only where a trial court declares a law unconstitutional or from an appeal court at the court's discretion (both subject to guarantees in Article 1). The belief is now that no action on this article will take place until Gen. Prov. is completed. Meanwhile the convention continually recesses rather than adjourns in order to permit a majority vote to reconsider.

**AMENDMENT PROPOSAL.** A new alternate submission has been proposed for the Mode of Amending article. It would write into the 1876 constitution a proposal to allow the legislature to revise the constitution article by article, pulling together all pertinent topics from throughout the document, and submitting it to the voters a piece at a time. Any such amendment would require a 2/3 vote of both houses before it could go to the voters. Grant Jones has offered this as an escape hatch should the new constitution fail. Rights and Suffrage Committee is considering it.

**ODDS AND ENDS.** A study guide for use in high school civics classes has been prepared under the auspices of the Convention's Education committee. A children's cartoon booklet has also been developed by the Public Information Office to help inform the tots on constitutional revision.

**NEW MEMBER** on the Submission and Transition Committee to replace Hawkins-Menefee is Lyndon Olson, Jr.

LEAGUE OF WOMEN VOTERS OF TEXAS  
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308 W. 15th St., Rm. 305  
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The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 14, May 24, 1974

TIME FOR ACTION

Convention Office  
308 W. 15th St., Room 305  
Austin, Texas 78701

"A funny thing happened on the way. . ." The Judiciary Article--much amended, defeated (74Y-81N, 19PNV), reconsidered, substitute article defeated, and now further action postponed until 2 PM May 28. The two issues that tore at the delegates, county level courts and state right of appeal, are still unresolved. For the past 2 weeks the convention has been under incredible pressure from a group of county officials determined to protect their domains. Repeatedly the convention accommodated them. (1) Circuit courts shall be created--but only if the county wants them. (2) Fees and fines collected at county court level remain in the county. (3) Judicial functions of county judges remain now unless changed by the legislature. (4) Jurisdiction of county courts remains as they are unless changed by the legislature.

It is time to lobby your County Judge--especially the rural and west Texas areas--before the unified court system is further eroded. The League wants the circuit courts to remain in the constitution as part of the unified system requiring lawyers as judges. Non-lawyer county judges have been fully protected with the amendments that have been made, and the document will need their support for final passage.

The state right of appeal has received support from ultra-conservatives who want to prevent defendants from being released on "technicalities." Opposition has come from minority groups interested in protecting defendants from costly appeals by prosecutors and the threat of double jeopardy. Several attempts at compromise have been made. (1) Appeals by the state at trial level courts may be made only where the law is unconstitutional. (2) Supreme court may upon petition of state review a decision of appeals court. The League has no position here and it is a particularly touchy subject. All we can hope for is a reasonable compromise.

WHAT HAVE WE GOT? So far the merged courts and the unified administration have held up. The Lary amendment that caused such a flap last week was withdrawn. In its place the legislature may create an agency of the judicial branch to prescribe rules of administration for the judiciary, its membership to be determined by law. This eliminates the Judicial Council from the constitution. **KEEP UP THE PRESSURE TO RETAIN THE UNIFIED COURTS AND UNIFIED ADMINISTRATION.** Late Thursday the General Provisions article came to the floor; unless this is completed by Tuesday it will take a 2/3 vote to suspend the rules in order for the convention to take up the judicial article again. In all likelihood it will have to wait until action on Gen. Prov. is completed.

LEAGUE OF WOMEN VOTERS OF TEXAS  
CONVENTION OFFICE  
308 W. 15th St., Rm. 305  
Austin, Texas 78701



1974

## TEXAS CONSTITUTIONAL CONVENTION

YEA N-V NAY

Mr. President \_\_\_\_\_  
 Adams, D. \_\_\_\_\_  
 Adams, H. \_\_\_\_\_  
 Agnich \_\_\_\_\_  
 Aikin \_\_\_\_\_  
 Allen, Joe \_\_\_\_\_  
 Allen, John \_\_\_\_\_  
 Allred \_\_\_\_\_  
 Andujar \_\_\_\_\_  
 Atwell \_\_\_\_\_  
 Bailey \_\_\_\_\_  
 Baker \_\_\_\_\_  
 Bales \_\_\_\_\_  
 Barnhart \_\_\_\_\_  
 Bigham \_\_\_\_\_  
 Bird \_\_\_\_\_  
 Blake \_\_\_\_\_  
 Blanchard \_\_\_\_\_  
 Blythe \_\_\_\_\_  
 Bock \_\_\_\_\_  
 Boone \_\_\_\_\_  
 Bowers \_\_\_\_\_  
 Braecklein \_\_\_\_\_  
 Brooks \_\_\_\_\_  
 Bynum \_\_\_\_\_  
 Caldwell \_\_\_\_\_  
 Calhoun \_\_\_\_\_  
 Canales \_\_\_\_\_  
 Cates \_\_\_\_\_  
 Clark \_\_\_\_\_  
 Clayton \_\_\_\_\_  
 Clower \_\_\_\_\_  
 Cobb \_\_\_\_\_  
 Cole \_\_\_\_\_  
 Coleman \_\_\_\_\_  
 Coody \_\_\_\_\_  
 Cooke \_\_\_\_\_  
 Craddick \_\_\_\_\_  
 Creighton \_\_\_\_\_  
 Daniel \_\_\_\_\_  
 Davis \_\_\_\_\_  
 Denson \_\_\_\_\_  
 Denton \_\_\_\_\_  
 Doggett \_\_\_\_\_  
 Donaldson \_\_\_\_\_  
 Doran \_\_\_\_\_

YEA N-V NAY

Doyle \_\_\_\_\_  
 Dramberger \_\_\_\_\_  
 Earle \_\_\_\_\_  
 Edwards \_\_\_\_\_  
 Evans \_\_\_\_\_  
 Finnell \_\_\_\_\_  
 Finney \_\_\_\_\_  
 Foreman \_\_\_\_\_  
 Fox \_\_\_\_\_  
 Gammage \_\_\_\_\_  
 Garcia \_\_\_\_\_  
 Gaston \_\_\_\_\_  
 Geiger \_\_\_\_\_  
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YEA N-V NAY

Russell \_\_\_\_\_  
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 Salem \_\_\_\_\_  
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 Santiesteban \_\_\_\_\_  
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X-EXCLUDED ABSENCE

## RECORD # 8 ADOPTION OF F, AS AMENDED

This vote defeated the Judiciary Article, how did your delegate vote?

Let him know you know how he voted!!!

5-22-74



The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 13, May 17, 1974

Convention Office  
308 W. 15th St., Rm. 305  
Austin, Texas 78701

**LEGISLATIVE ARTICLE.** Passed 2nd reading 117-26. Includes both positions favored by the League, annual sessions and removal of specific salary figures. Whatever it was that made this a topsy-survy committee seemed to infect the Convention when they considered this article. They zig-zagged on issues (composition of the houses) and reversed themselves on others (salary, for instance). The section dealing with conflict of interest was a story of gradual attrition from a strong CRC statement, to a weaker one from the committee, to an almost completely gutted version from the convention. The convention took care to further strengthen the legislature in relation to the governor by allowing the legislature to call itself into special session by a petition of two-thirds of its members. The local and special laws section almost guarantees a stream of Podunk specials. Here's a comparison of the three reports:

	<u>2nd Reading</u>	<u>Committee Report</u>	<u>CRC</u>
Sec. 2 Composition	Senate 31 members House 150 members	Between 40 & 60 members " 120 180 "	Between 31 and 50 members " 93 " 155 "
Sec. 5a	Single member dist.	Same	POD concept
Sec. 5f Redistrict- ing	Legis. gets 2 chances; 5 member Redist. Bd. finally	Legis. gets 2 chances; Supreme Ct. does it if Legis. fails	Legis. 1 chance; Legis. Re- dist. Bd., action by Sup. Ct. if Bd. fails
Sec. 6 Compensation	9 member salary com. for Legis. only. (\$8750 salary as alternate sub.)	\$8750 plus per diem and travel	Salary Com. set up in Gen. Prov. for L legis., Exec., and Judiciary
Sec. 7 Sessions	140 days, odd years 90 days in even	Annual session not to exceed 180 days	Meet at least once every 2 years
Sec. 10d Ethics	May retain state con- tract if made before election to Legis.	No pecuniary interest in state contracts	No pecuniary interest in state contracts
Sec. 10e	No equivalent section included	Legislators may appear be- fore state agencies in quasi- judicial matters, no fee allowed	No appearance before state agencies; no fee allowed
Sec. 12	May pass local laws, notice required, area by name	Local laws granting dis- cretionary power, notice required	No local law where general law applicable

**SUBMISSION AND TRANSITION.** No substantive amendments can be made during the final session which require a 2/3 vote, according to Bob Johnson, Parliamentarian. If the document fails to get the required 121 votes S&T committee may remove sections from the body of the document to be offered as separate proposals, or it may reinsert them into the body of the article, but it cannot make further substantive changes.

**STYLE AND DRAFTING.** Committee and Price Daniel discussed which article to submit first to the convention for 3rd reading. Generally agree that it would be better to start with the less controversial (Mode of Amending, Voter Qualifications, etc.).



GENERAL PROVISIONS. This may hit the Floor on Monday or Tuesday, and it is essential that your delegates know the League is supporting the Doggett minority report on the Environment. A letter is going to each delegate as well as a press release, but they need to hear from you. The League opposes the Gen. Prov. Section 6 because it places undue emphasis on development of natural resources and fails to make a strong affirmative command that the state must protect the environment. See COMMENTS, No. 9 and No. 11, for more background.

TIME FOR ACTION

TIME FOR ACTION

TIME FOR ACTION

JUDICIARY ARTICLE. It looked for a while as though this article might breeze through with little opposition, but it proved to be only the eye of the hurricane. The attacks are at full blast and the article may be in deep trouble. Merger in Sec. 1 and 2 has withstood any change so far, but compromises are being made elsewhere. An odd coalition of ultra-conservatives and members of the black caucus have worked hard to bring about district election of judges, utilizing the "one man, one vote" idea, but all attempts have failed so far. The League sees this move as greatly politicizing the judiciary and opposes it.

Sec. 5, Circuit Courts, was amended to follow the CRC wording more closely (simply read Circuit instead of County in the CRC version), but no judicial district is identified. They remain as part of the unified system; however county judges are mounting an active campaign to change this. WE ARE OPPOSED TO REMOVAL OF THE CIRCUIT COURTS FROM THE UNIFIED SYSTEM.

Sec. 11 on rules of procedure was changed by substituting an amended Minority Report No. 1. The Supreme Court will have only civil rule making powers, the Legislature retains criminal rule power, but it takes both houses of the legislature to disapprove rather than one. This is what we have currently, and it is an improvement over the committee recommendation.

Sec. 11,a4. A new section (Lary amendment) was added that will allow the legislature to prescribe rules of administration for the Judiciary. We oppose this as a violation of separation of powers. Urge your delegates to reconsider this matter so that the making of administrative rules remains within the judicial system. This article is not out of the woods yet and this week end there will be fast and furious lobbying by all factions. DO YOUR PART. It is essential that the unified system be retained as in Sec. 1 and 2, and Sec. 11 implements this system with a unified administration. THERE IS NO TIME FOR WRITING. PHONE OR WIRE, OR SEE YOUR DELEGATE THIS WEEK END. The session resumes Monday afternoon.

LEAGUE OF WOMEN VOTERS OF TEXAS  
CONVENTION OFFICE  
308 W. 15th St., Rm. 305  
Austin, Texas 78701



TCR

MAY 13 1974

The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 12, May 10, 1974

Convention Office  
308 W. 15th St., Rm. 305  
Austin, Texas 78701

RECESS ROUNDUP. The Style and Drafting Committee worked regularly through the recess and completed tentative drafts of five of the articles. These drafts are being previewed informally by members of the substantive committees before being put in final form by S & D for submission to the Convention. A brief review of those areas pertinent to League positions follows:

EDUCATION. The statement on local enrichment in Section 5 has been moved to Section 1. Substantively it remains the same and the modifying effect on equal educational opportunity becomes clearer. The Committee, noting the inconsistency in the statement, decided to let it return to the Convention for 3rd reading. It reads, "The system must offer each individual an equal educational opportunity, but a school district may provide local enrichment of educational programs consistent with general law." The footnote to this section explains that the provision for local enrichment is a policy and belongs with the rest of the policy statement rather than in Section 5 on the structure of the schools. Final report passed committee, 8 for, 1 abstaining (Andujar).

EXECUTIVE. Minimal changes in this article. Sec. 2d, dealing with removal of appointees from office, requires that the governor submit his proposal for removal not less than 45 days prior to adjournment, or not more than two days after the convening of a special session.

In Sec. 2e dealing with the expiration dates of terms of office, the words "of the executive branch" have been removed since the committee understood that this was not an intentional limitation.

The limitation of the governor to two 4-year terms in succession has been moved to Sec. 4 on the governor's eligibility. The committee offers a footnote on the difference between branch and department in this article, calling an understanding of the difference essential. The Branch encompasses the whole executive function, including all constitutional and statutory agencies, whereas the Department consists only of the officers specified in Sec. 1 and those who serve "at the pleasure of the governor."

MODE OF AMENDING. Minimal changes. New wording makes it clear that adopted amendments become part of the constitution on the day of canvassing of election returns.

VOTER QUALIFICATIONS. The new wording clarifies the point that only persons convicted of a felony and in prison, on parole, or on probation for it are deprived of their vote.

Sec. 1c dealing with the requirement of property ownership for certain elections is redone so that the kinds of elections in which this requirement would be possible is clear. (1) All elections authorizing property taxes or bond issues payable from property taxes. (This section is "inoperative" because of a U. S. District Court ruling in Stone vs. Ft. Worth.) (2) Any special district election where the special district's activities have a disproportionate effect on property owners.

LOCAL GOVERNMENT. After tangling with Sec. 12 on consolidation of offices and functions, the committee may recommend that it be dropped as meaningless because of the restrictions of the phrase "one geographical county." It was felt that Sec. 11 granting contract rights and Sec. 1 granting voters the right to merge counties or change county boundaries was sufficient.

The committee might also recommend that county home rule be dropped unless it is strengthened. Ben Grant pointed out that the Bill of Rights assures citizens the right to alter the structure of their government, but that the home rule alternate submission passed on 2nd reading would not grant that freedom to people in a county. They have not



Comments, No. 12, p. 2

arrived at a wording that satisfies them so far, but this seems to be one area that the Convention will have to deal with again. COUNTY HOME RULE MAY NOT BE DEAD AFTER ALL.

OUT OF COMMITTEE. Judiciary, reported out 12-4, will be on the Floor next. Voting against were: Finnell, Heatly, Nabors, Blanchard. Absent were: Cooke, Hudson, Mauzy, Ogg, Peveto. The final report retains the merger of the courts with one Supreme Court, Court of Appeals, District Courts, and Circuit courts as part of the unified system. The JP courts and municipal courts are outside the system. The article provides for the state to pay judges and other expenses of the system as provided by law. It also calls for election of judges, central court administration under the supreme court, unanimous jury verdicts, and a Judicial Retirement System administered by the Board of Trustees of the State Employees Retirement System. There are 3 minority reports attached.

Minority report 1: Supreme court to promulgate rules of procedure subject to expressed disapproval of the legislature. The majority report gives the right to make civil rules to the courts, but retains criminal rules for the legislature. This report would grant both to the court. Signed by Earle, McDonald, Grant, Peveto, Powers, and Spurlock.

Minority report 2: In Courts of Appeals it calls for not fewer than 3 judges to sit in any case, whereas the majority report calls for a majority of the judges to decide a case. Signed by Earle, Denson, Grant, Ogg, Jones, Baker, Powers.

Minority report 3: Calls for state to be divided into judicial election districts for the election of judges of the supreme court. Signed by Coleman, Grant, Spurlock, Heatly, Finnell, Nabers.

GENERAL PROVISIONS ARTICLE voted out of committee, 13-2, 1 pnv. Review in next issue.

MEANWHILE BACK ON THE FLOOR. The Legislature article, passed 117-26, restored the Salary Commission and a 5-member redistricting board to the body of the article. The \$8,750 salary will be offered as an alternate submission that will go into the 1876 document should the new document fail but the separate proposal pass. The conflict of interest section was watered down to allow members to retain pecuniary interest in state contracts which were obtained before election to the legislature. A full review of this article next week.

NOTE: Jean Bizzell has retired from the office staff to prepare to become Austin League President. Taking her place is Marjorie Loehlin, former Austin VOTER Editor, Speaker's Bureau Chairman, etc. We are trying a new schedule. The office will not open Monday, but will open Friday by 11 a.m.

LEAGUE OF WOMEN VOTERS OF TEXAS  
CONVENTION OFFICE  
308 W. 15th St., Rm. 305  
Austin, Texas 78701



LEAGUE OF WOMEN VOTERS OF TEXAS  
DICKINSON PLAZA CENTER  
DICKINSON TX 77539



Convention Office

APR 15

TIME FOR ACTION!!

Sec. 1: Judicial power to be vested in the judicial branch; unified system to be composed of a supreme court (court of criminal appeals to be merged with supreme court) courts of appeals (both civil and criminal), district courts, and circuit courts (same level as present county courts at law and special statutory county courts). Jurisdiction of same level courts must be uniform throughout state. This section adopted by 10-9-1 vote; NEED TO LOBBY FULL CONVENTION as there is strong opposition to merger. League wants a SINGLE system of centrally administered statewide courts. We can support the unified system concept in Section 1; of course we would like courts outside the unified system (JP's) integrated into a unified judiciary also.



(JUDICIARY continued)

Sec. 2: Supreme Court given administrative and rule-making power as in the article or by law. This section upholds the single system created in Sec. 1; phrase "by law" may be troublesome to separation of power purists.

Sec. 3 creates 1 or more courts of appeals; 4 preserves present districts but may be changed in future by law (judicial districts with 1 district court per district); Sec. 5 creates circuit court with 1 or more judges to serve 1 or more counties; 6 gives county judge judicial functions as provided by law.

Sec. 7 preserves JP precincts as they are; League's position is to make peace courts into courts of record. Sec. 8 states that judges in the unified system must be lawyers; those outside (JP's, municipal court judges, county court apart from circuit) do not have to be lawyers. League's position: full time "lawyer" judiciary.

Sec. 9 provides for election of judges in a manner provided by law; nonpartisan election would be possible under this section. Vacancies to be filled by governor with advice and consent of Senate; municipal judges to be selected as provided by law. League's merit selection position almost passed as an alternate submission. It may be possible to get merit selection as an alternate submission on the full convention floor.

Sec. 10 states that qualifications commission to be created; Supreme Court justice may be removed by governor on address of 2/3rds of each house on grounds not sufficient for impeachment; other means of removal as provided by law. League favors effective removal procedures.

Sec. 11 on court administration provides that Supreme Court responsible for efficient operation; may direct transfer of cases within each level and assign judges between levels; judicial council to prescribe rules of administration not effective until approved by Supreme Court. Supreme Court may establish rules of civil procedure which may be disapproved by resolution of either house; no rule effective until legislature has had opportunity to disapprove at regular session. League supports assignment of judges according to special training and docket needs. League wants uniform code of CRIMINAL AND CIVIL procedure formulated by the Supreme Court with legislative approval. LOBBY FOR CRIMINAL PROCEDURE TO BE INCLUDED IN THIS SECTION. Separation of powers enters here, as the last part of Sec. 11 seems to give the legislature more than a check on judiciary powers.

Sections 12-18 deal with district and county clerks, juries, appeal, and district and county attorneys. (Unanimous jury verdict required in criminal cases.)

Sec. 19: State to pay basic salaries of unified system (does not address the problem of supplementation at all; supplementation possible). League's position is support of a uniform fiscal policy. (See AND NOW ACTION).

Sec. 20: Legislature to prescribe mandatory retirement age; continuation of present retirement benefits.

PLEASE WORK ON SECTIONS 1, 2, and 11 PARTICULARLY.....

General Provisions - Environment is the main section of this article with which the League is concerned -- and we oppose the committee recommendation. We particularly object to the phrase "the protection of the environment and the conservation and development of natural resources of this state . . . ." At several other points in this section it also refers to " . . . all governmental agencies . . . and each person . . . shall conserve and develop all natural resources and energy sources . . . ." Again, " . . . the development of all energy resources of the State including hydro-electric power and fossil and other fuel sources; the conservation and development of the State's forests . . . ." These are all declared "public rights, responsibilities, and purposes . . ." and the Legislature is called on to pass appropriate laws. The League is understandably suspicious of the language of this section and does not regard it as providing adequate safeguards for maintaining and protecting a healthy environment; quite the opposite it seems to equate conservation and development. We would like to see a firmer commitment to careful management and wise use of ALL of our natural resources, not just energy.



GENERAL PROVISIONS CONTINUED

For this reason we are supporting the Doggett proposal (See Comments #9 for his proposal in full) although the League does not have any position on the citizen's right to sue. His proposal does provide for safeguards against its abuse.

This section was voted approval by the committee so the fight will go to the floor when the G. P. article clears the committee. This is an ALL DELEGATES MUST -- so that the section approved at 2nd reading is one with which we can live. It is unlikely any changes will be made after 2nd reading.

The League would find the CRC recommendation a reasonable alternative to the Doggett proposal. Either is preferable to the committee statement.

APPROVED ON 2ND READING ---it will take a 2/3rds vote of the Convention to make any substantive changes in the following articles. The League's efforts here will be to prevent any weakening amendments or alternate submissions being proposed during the 3rd reading proceedings.

Education--While this article is not as strong as we would have liked, it is something we can live with. The danger is that during 3rd Reading efforts may be made to further dilute the concept of "equitable support" and "equal educational opportunity." Because many delegates may not understand the delicate relationship between local enrichment, per pupil allotment vs. weighted pupil allotment, and equal educational opportunity, it may be necessary to explain League's positions in these areas.

The League's school finance position states that we favor weighted pupil allotment which would result in greater funds going to pupils with greater needs. Sec. 3 does not permit this. We also favor a 10% ceiling on local enrichment to ease disparities between rich and poor districts. It is possible that we can achieve this goal in the next legislative session since Sec. 5 states that local enrichment "consistent with law" may be provided. Meanwhile it is important that delegates understand how important it is to the League that "equal educational opportunity" be retained in the new constitution.

Executive--This article is a real plus and most corresponds to League's positions. The two areas that fall short (primary budget power for governor, and a shortened ballot with fewer elected officials) were just too much for the legislators to swallow. The article stacks up:

League position	Article
Gov. limited to 2 4year terms	2 4year terms in succession
Non-presidential election years	4 year terms start 1978
Line of succession clear	Provides for lt. gov. to serve
Gov. with appointment and removal powers over Boards and Commissions	Provides appointment and removal power
Reorganization of boards and commissions	Reorganization plan to be submitted within 2 years of adoption of constitution. State agencies self-destruct in 10 years unless renewed by legislature.

Finance --Until our consensus is jelled there are only two areas of concern to the League in this article. Public funds for public purposes is the way the new article covers welfare and this is the way we want it. There may be a move on 3rd Reading to provide an alternate submission for the voters on welfare. The League is opposed to welfare appearing on the ballot anywhere. We are convinced the legislature needs the freedom to deal with the problems without the restrictions of a constitutional ceiling. The delegates will need to hear from many different groups on this if they are to be convinced that the public supports the way the new article reads. THIS IS HIGH PRIORITY.



It will be surprising if the "good roads people" fade away without one last try at reinstating the good old trusty highway users fund in toto. Without giving this top priority let the delegates know the the section as passed allowing any increase in fuel tax rates to go into general revenue meets with League's approval. This does not reduce the highway fund; it merely puts a lid on it. It can give the legislators a source of revenue to take care of some other pressing needs in the state.

LOCAL GOVERNMENT --While it is unlikely that county home-rule could muster the necessary 2/3rds vote to be put into the body of the article, the League would oppose any attempt to drop it as an alternative submission. At least the voters should have the opportunity to make their wishes known on this important self-governing item. Delegates may try to equate metro-govt. and county home-rule. There are NOT THE SAME AT ALL, and to inject metro govt. here is to raise a false issue.

The League supports ordinance making powers for counties as included in the article.

While we are not satisfied with the section on special districts (too permissive) and tax rate (too restrictive and specific) it is unlikely that they can be changed. It would not hurt to let delegates know what we think, however. HIGH PRIORITY -WHOLE ARTICLE.

Voter Qualifications --The League supports restoration of voting rights to felons as specified in this article. We oppose Sec. 2 (2) requiring property qualifications for voting, however, and a March 24, 1974 U.S. District Court ruling has declared such a requirement unconstitutional in bond elections. (Stone vs. City of Ft. Worth et al.) In the Ft. Worth election property owners rejected the proposal to issue library bonds, but nonproperty owners approved it. Adding the votes of both groups showed that a majority of voters participating favored the bond issue. The court found the bond issue approved. It then declared the state's laws violating the equal protection clause. Make sure that you delegates are aware of this ruling since it is possible that a 2/3rds vote could be mustered to delete this requirement (Sec. 2[2]).


Mode of Amending - Although initiative was a high priority item for the League it met with such strong opposition at every turn it is not worth expending further effort on it. There is no chance it could be reconsidered at 3rd reading. It is not even likely that an alternate submission could gain support.

\*\*\*\*\*

LEAGUE OF WOMEN VOTERS OF TEXAS  
CONVENTION OFFICE  
308 W. 15th St., Rm. 308  
Austin, Texas 78701



The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 10, March 29, 1974

Convention Office  


\*\*\* The convention will recess from April 6th to May 6th. Delegates also voted to extend the convention 60 days making the closing date July 30th. They hope to finish the Local Government and Legislature articles before recess, leaving Judiciary, Separation of Powers, and General Provisions for when they return. Study the provisions that have passed, know your League positions, and use this recess to advantage to lobby. There are still many important votes coming up on 3rd reading, and the final document must pass with a 2/3rds vote.

#### Convention Activities

Finance - This article passed 2nd reading 93-67 with only minimal changes despite innumerable attempts to amend various sections. It remains silent on income tax and grants a mandatory \$3000 exemption from homestead ad valorem taxes for persons over 65.

Several attempts made to include a welfare ceiling failed by fewer than 10 votes each. Minority report No. 5 would have placed a ceiling of 2.5% of the total state budget on direct payments to the needy, excluding medical care. It provided that if the limit conflicted with receipt of federal matching funds it could be changed. See p. 2 for the roll call vote on this report.

Two other attempts were made to place a ceiling in the constitution. One proposal by Hollowell calling for a ceiling of \$50 million was tabled 87-76, 1 PNV, 16 NV. Another proposal by Rosson calling for a ceiling of \$60 million was tabled 89-73, 1 PNV, 17 NV.

The "good roads" block cracked slightly and a lid was placed on the highway fund. The Sullivant amendment, basically the same as his minority report no. 4 which had failed, leaves the fund untouched, but provides that any future raise in the rates of tax on fuels will go to general revenue. This proposal will be offered to the voters as a separate alternative and will either amend the new constitution, or if that fails, it will amend the 1876 constitution. See p. 3 for the roll call vote.

Local Government - Debate has just begun on this article and it is crucial that you contact your delegates immediately. See COMMENTS no. 9 for a run-down of the committee report. Review AND NOW ACTION for League positions. The League wants:

- \* passage of home rule;
- \* ordinance making powers for counties retained as in the committee report;
- \* proliferation of special districts stopped;
- \* special districts within county boundary created by general law only;
- \* special districts accountable to general type government;
- \* tax ceiling on cities and counties to be statutory.

WRITE OR PHONE NOW -- THEY RECESS ON APRIL 6th.

#### Committee Activities

Legislature - Next on the Floor, passed the committee 20-3. In brief:

- \* Establishes a bicameral legislature.
- \* Senate consists of 40-60 members; House consists of 120-180 members.
- \* Establishes qualifications.
- \* Terms of office -- 4 yrs. for Senate; 2 for House.
- \* Redistricting -- single member senatorial and single member representative. If legislature's redistricting plans rejected, legislature is automatically called into special session to draw up another plan. If that fails, the Texas Supreme Court will redistrict.



YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY
Mr. President			Doyle			Lee			Russell		
Adams, D.			Dramberger			Leland			Sage		
Adams, H.			Earle			Lewis			Salem		
Agnich			Edwards			Lombardino			Sanchez		
Aikin			Evans			Longoria			Santiesteban		
Allen, Joe			Finnell			McAlister			Schieffer	X	
Allen, John			Finney			McDonald, F.			Schwartz		
Allred			Foreman			McDonald, T.			Scoggins		
Andujar			Fox			McKinnor			Semos		
Atwell			Gammage			McKnight			Sherman, M.		
Bailey			Garcia			Madla			Sherman, W.		
Baker			Gaston			Maloney			Short		
Bales			Geiger			Martin			Simmons		
Barnhart			Grant			Massey			Slack		
Bigham			Green, F.			Mattox			Snelson		
Bird			Green, R.			Mauzy			Spurlock		
Blake			Hale			Meier			Sullivant		
Blanchard			Hall, A.			Menefee			Sutton		
Blythe			Hall, W.			Mengden			Tarbox		
Bock			Hanna			Miller			Temple		
Boone			Harrington			Montoya			Thompson		
Bowers	X		Harris, E.			Moore			Traeger		
Braecklein			Harris, O.			Munson			Truan		
Brooks			Head			Murray			Tupper		
Bynum			Heatly			Nabers			Uher		
Caldwell			Henderson			Newton	X		Vale		
Calhoun			Hendricks			Nichols			Vecchio		
Canales			Hernandez			Nowlin			Vick		
Cates			Hightower			Nugent			Von Dohlen		
Clark			Hilliard			Ogg			Wallace		
Clayton			Hoestenbach			Olson			Washington		
Clover			Hollowell			Parker, C.			Waters		
Cobb			Howard			Parker, W.			Watson		
Cole			Hubenak			Patman			Weddington		
Coleman			Hudson			Pentony			Whitehead		
Coody			Hutchison			Pevento			Whitmire		
Cooke			Johnson			Peerner			Wieling		
Craddick			Jones, Gene			Poff			Williams		
Creighton			Jones, G. ant			Powers			Williamson		
Daniel			Jones, L.			Presnal			Willis		
Davis			Kaster			Preston			Wilson		
Denson			Korioth			Ragsdale			Wolff	X	
Denton			Kothmann			Reyes			Wyatt		
Doggett			Kubiak			Reynolds			Bryant		
Donaldson			Laney			Rodrigue	X				
Doran			Lary			Rosson					

X-EXCUSED ABSENCE

## RECORD #2 ADOPTION OF THE MINORITY REPORT #5

## TO ART. VIII,

Failed 79-74, 1 PNV, 26 NV  
 Minority report #5 dealt with Assistance Payments  
 limitations, and called for a ceiling of 2.5 percent of  
 the total state budget to be placed on direct  
 payments to the needy.



1974

YEA N-V NAY

Mr. President  
 Adams, D.  
 Adams, H.  
 Agnich  
 Aikin  
 Allen, Joe  
 Allen, Jo'n  
 Allred  
 Andujar  
 Atwell  
 Bailey  
 Baker  
 Bales  
 Barnhart  
 Bigham  
 Bird  
 Blake  
 Blanchard  
 Blythe  
 Bock  
 Boone  
 Bowers  
 Braecklein  
 Brooks  
 Bynum  
 Caldwell  
 Calhoun  
 Canales  
 Cates  
 Clark  
 Clayton  
 Clower  
 Cobb  
 Cole  
 Coleman  
 Coody  
 Cooke  
 Craddick  
 Creighton  
 Daniel  
 Davis  
 Denson  
 Denton  
 Doggett  
 Donaldson  
 Doran

YEA N-V NAY

Doyle  
 Dramberger  
 Earle  
 Edwards  
 Evans  
 Finnell  
 Finney  
 Foreman  
 Fox  
 Gammage  
 Garcia  
 Gaston  
 Geiger  
 Grant  
 Green, F.  
 Green, R.  
 Hale  
 Hall, A.  
 Hall, W.  
 Hanna  
 Harrington  
 Harris, E.  
 Harris, O.  
 Head  
 Heatly  
 Henderson  
 Hendricks  
 Hernandez  
 Hightower  
 Hilliard  
 Hoestenbach  
 Hollowell  
 Howard  
 Hubenak  
 Hudson  
 Hutchison  
 Johnson  
 Jones, G. ne  
 Jones, Grant  
 Jones, L.  
 Kaster  
 Koriath  
 Kothmann  
 Kubiak  
 Laney  
 Lary

YEA N-V NAY

Lee  
 Leland  
 Lewis  
 Lombardino  
 Longoria  
 McAlister  
 McDonald, F.  
 McDonald, T.  
 McKinnon  
 McKnight  
 Madla  
 Maloney  
 Martin  
 Massey  
 Mattox  
 Mauzy  
 Meier  
 Menefee  
 Mengden  
 Miller  
 Montoya  
 Moore  
 Munson  
 Murray  
 Nabers  
 Newton  
 Nichols  
 Nowlin  
 Nugent  
 Ogg  
 Olson  
 Parker, C.  
 Parker, V.  
 Patman  
 Pentony  
 Peveto  
 Poerner  
 Poff  
 Powers  
 Presnal  
 Preston  
 Ragsdale  
 Reyes  
 Reynolds  
 Rodriguez  
 Rosson

YEA N-V NAY

Russell  
 Sage  
 Salem  
 Sanchez  
 Santiesteban  
 Schieffer  
 Schwartz  
 Scoggins  
 Semos  
 Sherman, M.  
 Sherman, W.  
 Short  
 Simmons  
 Slack  
 Snelson  
 Spurlock  
 Sullivant  
 Sutton  
 Tarbox  
 Temple  
 Thompson  
 Traeger  
 Truan  
 Tupper  
 Uher  
 Vale  
 Vecchio  
 Vick  
 Von Dohlen  
 Wallace  
 Washington  
 Waters  
 Watson  
 Weddington  
 Whitehead  
 Whitmire  
 Wieting  
 Williams  
 Williamson  
 Willis  
 Wilson  
 Wolff  
 Wyatt  
 Bryant  
 X-Excused  
 Absence

## # 6 Adoption of the Sullivant Amendment to Art VIII

Passed 89-76, 2 N.V., 13 N.V.

This offers the voters the opportunity to vote on the highway fund issue as a separate proposal from the rest of the Constitution. If this proposal passes and the other parts of the new constitution fail, this proposal will be incorporated into the 1876 document. See page 1 for further comments.



COMMENTS, no. 10, p. 4

Committee Activities -- Legislature continued

- \*Salary of \$8750 per year plus per diem and travel.
- \*Annual sessions not to exceed 180 days; special session may be called by 2/3rds petition of members of each house. Special session may not exceed 30 days and deals with matters in petition only. Gov. may also call special sessions.
- \*Organization and procedure.
- \*Legislative immunity.
- \*Conflict of interest; prohibits members to have pecuniary interest in any contract with the state.
- \*Bills
- \*Local and special laws--may not be enacted if a general law is or can be made applicable. Notice of intent required.
- \*Impeachment.
- \*Advice and consent of Senate requires 2/3rds of membership.
- \*Maximum rates of interest, usury.

Alternative provision on compensation calling for a Salary commission of nine members appointed by governor to serve 6 year terms.

CONTACT YOUR DELEGATE THIS WEEK TO REMOVE THE SALARY AMOUNT FROM THE CONSTITUTION! Urge your delegate to SUPPORT ANNUAL SESSIONS, SINGLE MEMBER DISTRICTS, CONFLICT OF INTEREST SECTIONS in the committee report.

Judiciary -- Gave administrative authority to the Supreme Court as well as civil rules of procedure. The Court's rules of civil procedure cannot take effect until the legislature has had the opportunity to disapprove. Any rule of civil procedure adopted by the Supreme Court may be disapproved by either House.

The section on general charge by Mauzy originally approved was taken out on a motion by Powers. The feeling of a slight majority was that the section was statutory in nature.

\*\*\*\*\*

League of Women Voters  
Convention Office  
308 W. 15th, Rm. 305  
Austin, Texas 78701



Mrs. Darvin Winick  
Route #2, Box 81  
Dickinson, TX 77539



The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 9, March 22, 1974

Convention Office  
308 W. 15th St., Rm. 305  
Austin, Tx. 78701  
Telephone: 512-472-2900

MAR 25 1974

\*\*\*\* The Convention may adjourn April 5 - May 6 according to Price Daniel.

The Finance Article is being debated heatedly; most attempts at amendment failing so far. One major amendment that has passed makes a \$3000 exemption from ad valorem taxes for persons over 65 years mandatory. This is just a preliminary run-through by the convention but to date sections 1-5 of the committee report have withstood change. See COMMENTS, no. 8, for a run-down on the Finance report.

Executive Article -- passed 2nd reading 136-31, 1 PNW. In brief the Article: elects the Gov., Lt. Gov., Attorney General, Comp. of Public Accounts, Treasurer, Comm. of General Land Office for 4 years, with Gov. limited to 2 four yr. terms in succession; allows the governor appointment and removal powers; gov. has special sessions power; makes governor chief planning officer; requires within 2 years of adoption of new constitution that the gov. submit a plan for reorganization of state agencies, and that he report on agencies every other year. (The reorganization plan to be submitted in form of a bill for consideration and vote by both houses.) Restores Bd. of Pardons and Paroles; all state agencies (except Higher Ed.) to have a life of 10 years unless renewed by legislature. In the area of money the governor must submit a budget, and he has budget execution powers as provided by law. He must insure that appropriations are spent as directed by the legislature. The Railroad Commission is out!

All in all this is an article we can live with and support.

Mode of Amending Article -- passed 150-13 in one afternoon -- calls for the question of constitutional revision to be put to the voters every 30 years. Initiative and referendum failed. Delegates to the convention will be elected as provided by law.

#### COMMITTEE ACTIVITIES

Judiciary -- Circuit courts are back in as are JP courts. JP precincts are spelled out in order to preserve local option liquor elections! Delegate Hale is reported saying forces on both sides of the alcoholic beverages issue might work to defeat the constitution if the section were not included. Crucial vote on rules of administration coming up.

Legislature -- This topsy-turvy committee has reversed itself again! In a series of surprise votes they have returned house members to a 2 yr. term after having approved a 4 yr. term; inserted a salary of \$8,750 for legislators; allowed the Senate size to vary between 40-60 and the House between 120-180. Initiative and referendum is still a dead issue. URGE YOUR COMMITTEE DELEGATE TO ELIMINATE SALARIES FROM THE CONSTITUTION.

General Provisions -- Branch banking and growth of holding companies brought additional testimony to the committee. THE LEAGUE WILL NOT SUPPORT THE COMMITTEE PROPOSAL ON THE ENVIRONMENT. We will support Doggett's proposal instead. It reads: "State agencies and political subdivisions shall act as trustees to conserve and maintain for the benefit of all the people the beach, park, historic site, air, and water resources and other resources designated by law. Every person has a fundamental right to protect these resources from pollution, impairment or destruction, enforceable against any party, governmental or private, subject to reasonable limitations as may be provided by law." We are also supporting the open beaches section proposed by Wilson and approved by the GP committee. The section is up for reconsideration by the committee and is threatened by special interest groups who would like to see the beach developed by private interests. The Wilson proposal would preserve state owned beaches and prevent them from being sold. WRITE to assure the continuity of the present public beach policy.

\*\*\* President Daniel is taking steps to prevent delegates who are not present from casting votes!



TIME FOR ACTION      TIME FOR ACTION      TIME FOR ACTION

Local Government - Just out of committee, this article will offer home rule as a side issue. The league will work to reincorporate county home rule in to the body of the article. Contact your delegates this weekend since this report will come before the convention early next week. The League believes that county residents should have several options in choosing a form of government that suits their needs and preferences. ACT NOW.

The league also approves the ordinance making powers given to counties, and we applaud the powers given to voters in Sec. 3f to consolidate, eliminate, and add offices in county govt. and to do the same to their duties and functions.

The League would like the tax ceiling limits taken out since they are statutory by nature. We favor greater accountability to and regulation by the state of single-purpose districts.

Sec. 7, Special Districts, allows the legislature to provide for special districts and authorities by general law or local law. Counties, cities and towns may provide for special districts and authorities within their boundaries if authorized by general law. They may be created for public purposes; notice of intention to introduce such a bill must be given as prescribed by law; not applicable to schools or junior and community college districts.

Sec. 10 (formerly 11) on tax rates and debt limitations sets ad valorem ceiling for purposes other than debt service at \$2.00 per \$100 of assessed valuation for cities at \$1.25 for counties. No ad valorem tax may be levied for purposes other than debt service by any special districts unless a maximum annual tax rate has been approved by a majority of voters in the district. Political subdivisions may levy an additional annual ad valorem tax to pay interest and principal on interest bearing obligations. The Legislature to establish maximum amounts of interest bearing obligations payable from ad valorem taxes issued by cities, towns, counties, school districts and junior or community college districts [note special districts not mentioned]. No interest bearing obligations payable from ad valorem taxes, other than refunding obligations, may be issued by all school and special districts unless authorized by voters. Provision for paying interest and principal must be made at time a political subdivision creates a debt. Ad valorem taxes levied by special districts and authorities created by counties, cities, and towns shall not be counted as part of the ad valorem tax limits imposed on such by this section.

REMIND YOUR DELEGATE TO REMOVE THE WELFARE CEILING FROM THE CONSTITUTION!!!!!!

\*\*\*\*\*

LEAGUE OF WOMEN VOTERS OF TEXAS

CONVENTION OFFICE

308 W. 15th, Rm. 305

Austin, Tx. 78701



The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 8  
March 15, 1974

MAR 18 1974 Convention Office

A somber mood prevailed at the Convention this week with the untimely death of Rep. Hawkins Menefee. The Convention recessed Wednesday and Thursday in honor of his memory. A memorial service was held in the Convention Hall at 9:30 Thursday morning. This freshman legislator had made a significant mark in his brief political career. He represented the citizen and worked effectively for good legislation. The LWV of Texas will miss his cooperation and dedication.

#### CONVENTION

After several days of heated debate and confusing amendments, the Convention has come about half way through its discussion of the Executive Article. The major changes in the committee report consist of restoring the Treasurer as an elected officer, limiting the Governor to 2 four year terms in succession, and giving the Governor authority to remove state agency appointees. In the latter issue, the governor will have to provide the Senate with an explanation as to the reason for removal, and the Senate may refuse to allow the removal by a majority vote within 45 days of notice.

Administrative reorganization is being debated today; still ahead are budget and budget execution powers, renewal of state agencies. The Article is expected to be completed on 2nd reading in a few days.

Mode of Amending the Constitution, Article XI, will be next on the Floor. Initiative and referendum were left out of this report, but it does call for the question of constitutional revision being put before the voters every 20 years. If a convention is called, it requires that each representative district elect one delegate. There is no prohibition on public officials serving.

#### COMMITTEE ACTIVITIES

Finance - Next report to come before the Convention following Article XI; it was submitted with 7 minority reports, which seems to promise a lot of debate. Because of the current finance consensus going in League meetings we thought you might like a brief run down on what the committee has produced, subject to change by the Convention, of course. The report passed the committee 21-0.

Sec. 1 - General law to levy and collect taxes.

Sec. 2 - Ad valorem taxation to be equal and uniform on all real property and tangible personal property; establishment and enforcement of statewide uniform appraisal standards and procedures; county made responsible for providing uniform appraisals for all taxing authorities within border; legislature may release ad valorem taxes delinquent 10 years; gross assessment of rolling stock of railroads in county of principal office.

Sec. 3 - Separate appraisal formulas based on productivity allowed for preservation of open space lands devoted to farm, ranch, and timber production.

Sec. 4 - A long list of ad valorem tax exemptions including state property and other public property, all household goods and personal effects not used for income, farm products in hands of producer, at least \$3000 for homestead. The Legislature may also pass laws exempting property used for educational, charitable or religious purposes, property owned by a nonprofit water supply corp. not held for profit, property of disabled veterans. They may also provide relief from taxation for persons in need, subject to approval by the subdivision affected, and provide reimbursement to that political subdivision for revenue losses. Legislature may by law grant tax relief and authorize political subdivisions to grant tax relief for preservation of cultural, historical or natural history resources.

Sec. 5 - Citizens may appeal ad valorem tax to appropriate court after paying under protest.



Sec. 6 - Highway user funds, 3/4ths to roads, 1/4th to Available School Fund; Receipts from other non-dedicated taxes may be used for mass transit and establishment of local transit authorities; 1/4th of state occupation tax to go to Available School Fund.

Sec. 7 - Debate must be authorized as provided in constitution -- means bonds and other indebtedness to be repaid from tax revenues, fees, tuition, or other charges of state or institution. Does not include debt repaid by charges of the project financed. Debt may be authorized by 2/3rds vote of each house and majority vote of citizens. May also be authorized to refund outstanding state debt.

Sec. 8 - Preserves pay-as-you-go. Appropriation in excess of estimated revenue may be made only in response to imperative public necessity and approved by 4/5ths vote of the membership of each house.

Sec. 9 - Public funds for public purposes.

Sec. 10- Public purpose means purposes for which taxes could be levied or public credit used before the adoption of the constitution.

Sec. 11- Annual report of receipts and expenditures of dedicated funds.

WELFARE CEILING -- One of the minority reports that went in with the Finance Committee report sets a ceiling of 2.5% of the state budget for any 1 year for direct assistance payments. It does provide that the legislature may change the ceiling if it conflicts with federal law or prevents matching funds. IT IS TIME FOR YOU TO REMIND YOUR DELEGATES THAT THE LEAGUE OPPOSES ANY CEILING IN THE CONSTITUTION. We favor the Majority report leaving public funds for public purposes. Delegates signing the minority report were Grant Jones, Ike Harris, Lary, Doyle, Agnich, Whitehead, Nugent.

HIGHWAY USER FUNDS --Three of the finance minority reports are attempts to permit some of the revenue from the sale of motor fuels and vehicle registration to be put in general revenue or reallocated between roads and schools. Delegates signing one or all of the minority reports were: Bird, Truan, Doyle, Denton, Temple, Parker, Sullivant, Brooks, Hall, Waters, Luther Jones.

Legislature - Final vote on committee report coming up shortly. Includes section on initiative and referendum which calls for petition of at least 10% of the total vote cast in the last gubernatorial election. The measure is adopted if it is approved by a majority of those voting, and if the total votes cast in the election equal 1/3rd of the votes cast for governor in the preceding election.

General Provisions - Family protection proposal passed last week was tabled. Passed was a proposal by Mauzy that would prohibit the state or other persons from infringing on a person's right to privacy -- aimed at bugging and other electronic devices.

Judiciary - Big News - Texas Trial Lawyers has decided to support merger after vigorously opposing it. No word yet on merit selection -- HAVE YOU CONTACTED YOUR DELEGATE?????????

\*\*\*\*\*

League of Women Voters of Texas  
Convention Office  
308 W. 15th St., Rm. 305  
Austin, Texas 78701



#### CONVENTION PASSES TWO ARTICLES ON 2ND READING

The Education Article, passed 98-71, 2 present not voting, 10 not voting, now goes to Style and Drafting. Several last minute attempts to amend and substitute whole new articles in its place were narrowly defeated. When the Article returns to the Convention Floor for 3rd reading changes to eliminate contradictions and conflicts in wording between articles can be made by a majority vote, but substantive changes can only be made by a 2/3rds vote to suspend the rules. For all practical purposes, "what we got is what we get."

The final whole Constitution must be approved by a 2/3rds vote of the convention. Several weeks ago Delegate Hale recommended to the rules committee that a 2/3rds vote on each article be made mandatory earlier in the proceedings so that compromises would be made and conflicts mitigated before the final vote. No action has been taken so far. The narrow margin by which the Education Article passed is a case in point.

#### THE EDUCATION ARTICLE:

- Sec. 1: Calls for an "equitable" support of free public schools furnishing "each individual an equal educational opportunity."
- Sec. 2: Maintains the Permanent and Available School Funds. Calls for per pupil allotment of the Available Fund.
- Sec. 3: Maintains a County School Fund.
- Sec. 4: Calls for an elected State Board of Education.
- Sec. 5: Provides for School and community junior college districts and for local enrichment "consistent with general law."
- Sec. 6: Calls for "1st class" higher education system.
- Sec. 7: Maintains Permanent University Fund for U. T. and A & M systems.
- Sec. 8: Authority to issue bonds on PUF.
- Sec. 9: Establishes the State Higher Education Assistance Fund linking the amount of bonds to be raised to the Permanent University Fund and placing the SHEAF under the control of the legislature.

Rejected were a new section prohibiting discrimination in the allocation of funds for public education; a new fund for technical and vocational education; constitutional status for the Coordinating Board.

#### VOTER QUALIFICATIONS: Article VI, passed 112-50,3 PNW, 16 NV.

- Sec. 1: Provides vote for 18 year olds, also restores voting rights to felons who have completed their sentences.
- Sec. 2: Legislature may make property ownership an additional requirement in bond elections in political subdivisions or in elections for a special or limited purpose "whose activities have a disproportionate effect on property owners."
- Sec. 3: Elections by secret ballot and protection of purity of the ballot.
- Sec. 4: General elections in even-numbered years.

The League has sent out a press release indicating our support of the article except for reservations about Sec. 2.

EXECUTIVE: Currently before the Convention. The Treasurer has been restored as a constitutional office (elective).

#### Committee Activities

General Provisions - Passed a right-to-work provision similar to the current statute. Prohibits union contracts that make union membership a requirement for working.

Passed a family protection provision that states, "the legislature may pass appropriate general laws to protect the traditional family structure." Equal rights for women supporters see this as undermining their position.



# TEXAS CONSTITUTIONAL CONVENTION

1974

587

YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY
Mr. President			Doyle			Lee			Russell		
Adams, G.			Dramberger			Leland			Sage		
Adams, H.			Earle	X		Lewis	X		Salem		
Agnich			Edwards			Lombardino			Sanchez		
Aikin			Evans			Longoria			Santiesteban		
Allen, Joe			Finnell			McAlister			Schieffer		
Allen, John			Finney	X		McDonald, F.			Schwartz		
Allred			Foreman			McDonald, T.			Scoggins		
Andujar			Fox			McKinnon			Semos		
Atwell			Gammage			McKnight			Sherman, M.		
Bailey			Garcia			Madla			Sherman, W.	X	
Baker			Gaston			Maloney			Short		
Bales			Geiger			Martin			Simmons		
Barnhart			Grant			Massey			Slack		
Bigham			Green, F.			Mattox			Snelson		
Bird			Green, R.			Mauzy	X		Spurlock		
Blake			Hale			Meier			Sullivant		
Blanchard			Hall, A.			Menefee			Sutton		
Blythe			Hall, W.			Mengden			Tarbox		
Bock			Hanna			Miller			Temple		
Boone			Harrington			Montoya			Thompson		
Bowers	X		Harris, E.			Moore			Traeger		
Braecklein			Harris, O.			Munson			Truan		
Brooks			Head			Murray			Tupper		
Bynum			Heatly			Nabers			Uher		
Caldwell			Henderson			Newton			Vale		
Calhoun			Hendricks			Nichols			Vecchio		
Canales	X		Hernandez			Nowlin			Vick		
Cates			Hightower			Nugent			Von Dohlen		
Clark			Hilliard			Ogg			Wallace		
Clayton			Hoestenbach			Olson			Washington		
Clover			Hollowell			Parker, C.	X		Waters		
Cobb			Howard			Parker, W.			Watson		
Cole			Hubenak			Patman			Weddington		
Coleman			Hudson			Pentony			Whitehead		
Coody			Hutchison			Peveto			Whitmire	X	
Cooke	X		Johnson			Poerner	X		Wieting		
Craddick			Jones, Gene			Poff			Williams		
Creighton			Jones, Grant			Powers			Williamson		
Daniel			Jones, L.			Presnal			Willis		
Davis			Kaster			Preston			Wilson		
Denson			Korioth			Ragsdale			Wolff		
Denton			Kothmann			Reyes			Wyatt		
Doggett			Kubiak			Reynolds			Bryant		
Donaldson			Laney			Rodriguez					
Doran			Lary			Rosson					

X-Excused  
Absence

# 12 Adoption of Art VI

Voter Qualifications & Elections

Yea- 112	TOTALS	Nay- 50	PNV- 3	NV- 16	ARTICLE	SECTION	DATE: 1
YEA	N-V	NAY					
100-200	100-200	100-200			Comm.	10	JAN 2
0 0	0 0	0 0			Rep.	20	FEB 3
1 1	1 1	1 1			Subs.	1	MAR 1
2 2	2 2	2 2			Amn.	2	APR 2
3 3	3 3	3 3			Quo.	3	MAY 3
4 4	4 4	4 4			3 R	4	JUN 4
5 5	5 5	5 5			Subm.	5	JUL 5
6 6	6 6	6 6			Mino.	6	AUG 6
7 7	7 7	7 7			Met.	7	SEP 7
8 8	8 8	8 8			Alt.	8	OCT 8
9 9	9 9	9 9			Sep.	9	NOV 9
					2 R	00	DEC 0



TEXAS CONSTITUTIONAL CONVENTION

YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY
Mr. President			Doyle		X	Lee			Russell		
Adams, D.			Dramberger			Leland			Sage		
Adams, H.			Earle			Lewis			Salem		
Agnich			Edwards			Lombardino			Sanchez		
Aikin			Evans			Longoria			Santisteban		
Allen, Joe			Finnell			McAlister			Schieffer		
Allen, John			Finney			McDonald, F.			Schwartz		
Allred			Foreman			McDonald, T.			Scoggins		
Andujar			Fox			McKinnon			Semos		
Atwell			Gammage			McKnight			Sherman, M.		
Bailey			Garcia			Madla			Sherman, W.	X	
Baker			Gaston			Maloney			Short		
Bales			Geiger			Martin			Simmons		
Barnhart			Grant			Massey			Slack		
Bigham			Green, F.			Mattox			Snelson		
Bird			Green, R.			Mauzy			Spurlock		
Blake			Hale			Meier			Sullivan		
Blanchard			Hall, A.			Menefee			Sutton		
Blythe			Hall, W.			Mengden			Tarbox		
Bock			Hanna			Miller			Temple		
Boone	X		Harrington			Montoya			Thompson		
Bowers			Harris, E.			Moore			Traeger		
Braecklein			Harris, O.			Munson			Truan		
Brooks			Head			Murray			Tupper		
Bynum			Heatly			Nabers			Uher		
Caldwell			Henderson			Newton			Vale		
Calhoun			Hendricks			Nichols			Vecchio		
Canales			Hernandez			Nowlin			Vick		
Cates	X		Hightower			Nugent			Von Dohlen		
Clark			Hilliard			Ogg	X		Wallace		
Clayton			Hoestenbach			Olson			Washington		
Clover			Hollowell			Parker, C.			Waters		
Cobb			Howard			Parker, W.			Watson		
Cole			Hubenak			Patman			Wedding, on	X	
Coleman			Hudson			Pentony			Whitehead		
Coody			Hutchison			Peveto			Whitmire		
Cooke			Johnson			Poerner	X		Wieting		
Craddick			Jones, Gene			Poff			Williams		
Creightor	X		Jones, Grant			Powers			Williamson		
Daniel			Jones, L.			Presnal			Willis		
Davis			Kaster			Preston			Wilson		
Denson			Korloth			Ragsdale			Wolff		
Denton			Kothmann			Reyes			Wyatt		
Doggett			Kubiak			Reynolds			Bryant		
Donaldson			Laney			Rodriguez			X-Excused		
Doran			Lary			Rosson			Absence		

# 3 Adoption of Art VII  
Education Article

Yea-98	TOTALS	Nay-71	PNU-2	NU-10	ARTICLE	DATE: 1-
YEA	N-V	NAY				JAN 2-
100-200	100-200	100-200			SECTION	FEB 3-
0 0	0 0	0 0		Comm. 10		MAR 1-
1 1	1 1	1 1		Rep. 20		APR 2-
2 2	2 2	2 2		Subs. 1	10 1	MAY 3-
3 3	3 3	3 3		Amm. 2	20 2	JUN 4-
4 4	4 4	4 4		Quo. 3	30 3	JUL 5-
5 5	5 5	5 5		3 R 4	40 4	AUG 6-
6 6	6 6	6 6		Subm. 5	50 5	SEP 7-
7 7	7 7	7 7		Mino. 6	60 6	OCT 8-
8 8	8 8	8 8		Met. 7	70 7	NOV 9-
9 9	9 9	9 9		Alt. 8	80 8	DEC 0-
				Sep. 9	90 9	
				2 R 0	00 0	



Judiciary - Continuing with the concept of a unified judiciary, the committee has accepted a unified administrative structure, a Judicial Qualifications Commission, and a judicial council. The Supreme Court will be allowed to transfer cases between courts of the same level to equalize workloads. Financing will be left to the legislature. Right to jury trial upon demand has been provided but size of jury is undetermined. Verdicts must be unanimous; the legislature or supreme court may provide exceptions but never a verdict of fewer than 3/4ths of the jury. Record votes on final committee article start next week.

Finance - Last week the committee allowed any rate increase on fuel tax to go toward the General Revenue rather than to the Highway Fund. This week they voted to delete this section.

They have passed the section on appropriations retaining pay-as-you-go. Mention of the income tax was deleted.

Legislature - Passed a section prohibiting enactment of a local or special law where a general law can be made applicable. The Courts to determine applicability of general law. Legislature may enact local laws granting discretionary powers to cities, counties, and other political subdivisions. Notice of introduction of such a bill must be made in the affected locality. Passed 7-5.

The committee deleted the section prohibiting the practice of "continuance." Continuance means that the court can postpone a case if one of the attorneys involved is a legislator during the session. Passed 6-5.

Local Government - The committee is readying its final draft for the Convention. All further attempts to amend it have failed. They are currently listening to recommendations from Style and Drafting.

**For Your Information:**

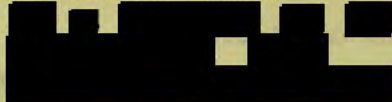
The day after the passage of the Education Article, in the midst of discussion in the Voter Qualification and Election Article, Sen. Chet Brooks made a personal privilege speech in which he attacked LWV for a "hasty" (timely?) communication expressing concern for keeping equality of education in the Education Article. It is unfortunate that he misinterpreted our reservations about per pupil allotment and local enrichment.

\*\*\*\*\*

League of Women Voters of Texas  
308 W. 15th, Rm. 305, Convention Office  
Austin, TX 78701



The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 6, March 1, 1974

Convention Office  


MAR 4 1974

#### TIME FOR ACTION

T The Convention is nearing completion on the Education Article (see below for  
I Time for Action) and will consider Executive Article (IV), Voter Qualifications  
(Article VI), and Mode of Amendment (Article XI) shortly as they are all out of  
delegates. Don't wait any longer to launch your lobbying campaigns with your

M Judiciary - TIME FOR ACTION. Merit selection may not even make it as an alternative  
E proposal on the ballot without an enormous outcry from the home front. Write, call  
not only committee members, but all delegates on this important issue. See 1st  
COMMENTS for list. The League wants the voter to at least have the choice on merit  
selection on the ballot. Alternate proposals will be considered in a few days.  
ACT NOW.

F The committee has tentatively voted for election of judges at all levels. The  
O state will be divided into regions with each section electing one Supreme court  
judge--Ron Coleman proposed that one. There will also be geographical areas for  
district courts. JP courts are no longer mandatory, Baker proposal passed 11-8.  
County judges may be allowed some judicial functions as well as presiding over the  
Commissioner's court.

R Rights and Suffrage - Voter Qualifications, Art. VI, will make its reappearance  
A before the Convention looking even more unconstitutional than before. Sec. 1 still  
denies the vote to ex-felons. Sec. 2, broadened considerably by an amendment by  
Bailey, now permits the legislature to require property ownership "for voting in  
C elections held by the state or its political subdivisions" when such qualifications  
are not prohibited by the U.S. Constitution. Schwartz refused to support the report  
and has asked Nowlin to make arrangements to present it to the Convention. The  
minority report was dropped in favor of amendment on the floor. Nichols is still  
leading the fight to allow ex-felons voting rights. Report passed 12-8. Voting  
FOR the majority report were Nowlin, Andujar, Bailey, Canales, Cole, Green, Lee,  
McKnight, Simmons, Slack, Uher, Vick. Voting AGAINST the report were Schwartz,  
T Bigham, Harris, Miller, Newton, Nichols, Watson, Bryant. Leland was absent.

I Mode of Amendment, Art. XI, voted out of committee, 12-3 (Miller, Nichols, Uher  
O opposed). Initiative did not make it but will come up as an amendment on the Floor.  
The report does provide for the legislature by a majority vote to present the question  
of Constitutional Convention to the voters at least once every 20 years. Delegates  
to the convention are to be elected, one from each representative district, with  
no prohibition on public officials serving.

N Executive - SOON to be on Floor. Briefly: All top Executive Dept. officers  
are elected for 4 years except Sec. of State; Governor is Chief Planning Officer;  
appointment and removal power of state agency heads and members for Governor with  
approval of legislature; Gov. to submit budget, but real budgetary power withheld;  
reduction veto rejected; State agencies subject to renewal by legislature every 10  
years; Governor may submit reorganization plans for state agencies subject to approval  
by legislature. Passed 20-0, 1 absent.

Education - Higher education occupied the convention all week. The Permanent Universi-  
ty Fund was left untouched. The State Higher Education Assistance Fund finally  
passed -- calling for appropriations to equal the PUF income but with a 50% ceiling  
on bonds that can be issued against the value of PUF. The money is for capital  
improvements, library books and materials, and bond repayment all under the legisla-  
ture's control.



T EDUCATION continued

I WRITE NOW. REQUEST RECONSIDERATION of Education Article, Sec. 3 dealing with per  
M pupil allotment of the Available Fund. THIS IS THE LAST TIME SUBSTANTIVE CHANGES CAN BE  
MADE IN THIS ARTICLE. The League would like the Committee or the CRC wording restored  
for this section. Review the School Finance study materials for ammunition.

E Local Government -- Nearing completion. Counties can have ordinance making power if  
F their voters approve; Cities and towns over 600 population may have charters; fees as  
compensation are prohibited; legislature may provide for consolidation of offices or  
functions within county subject to approval of voters in the affected political subdi-  
visions.

O Sec. 7 on Special Districts is a sleeper that may permit proliferation of districts,  
especially when combined with the tax ceiling on cities and counties in Sec. 11. The  
R League supports "measures to provide adequate and realistic powers for cities and/or  
counties, enabling performance of services without overlapping cost and taxation, in  
preference to single-purpose districts." WRITE ON THIS ONE NOW: See Comments No. 5 for  
A details as well as AND NOW ACTION.

C Legislature - Approved annual sessions, right to call special sessions. Closed committee  
T sessions permitted when not in violation of Open Meeting Law. Salary Commission deleted -  
may be offered as an alternative. Legislators will be permitted to represent clients  
I before state agencies for a fee in "quasi-judicial" cases. Proposal by Clower is contrary  
to CRC and committee recommendation. Straw vote only.

O Finance - Income tax deleted but not prohibited. Legislature is permitted to allocate  
N non-dedicated tax money to mass transit and transit authorities. Revenue from increases  
in the fuel tax rate must go to General revenue not the Highway Fund.

Citizens may take property appraisal appeals to court if administrative procedures  
are exhausted.

General Provisions - Garnishment of wages prohibited. Chiropractors are safe, and so is  
church bingo! Branch banking is out, but foreign banking may make it in this wildly  
diversified article.

The TCH CONFERENCE in Austin was a big success with over 30 leagues participating. The  
effectiveness of the project is now up to you.

LL Presidents will receive Committee Articles as completed before consideration by the  
Convention thanks to the Convention Public Information Office.

\*\*\*\*\*

League of Women Voters of Texas  
Convention Office

[REDACTED]

[REDACTED]

*Comp*



The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 5, Feb. 22, 1974

FEB 25 1974 Convention Office  
308 W. 15th St., Rm. 305  
Austin, Texas 78701

The Convention is now meeting in daily general sessions to consider the Education Article. No other committee has finished its proposal although several are very close. Committee meetings are being held in the mornings, late afternoons, and evenings, in an attempt to finish public hearings this week on how and when to submit the document to the people. Betty Conner, State TCR Chairman, urged an Article by Article presentation in her testimony this week. The League would also be agreeable to some controversial or alternative proposals being put to the voters separately. A broad well publicized public education campaign will be essential.

Education -- Equal educational opportunity almost went down in a deeply divided convention. Earlier, the concept of the "wealth of the state as a whole" as the basis for supporting education was defeated. Hours of debate over equal vs. equitable was finally resolved when Washington's substitute amendment passed 88-81. The happy compromise did not last. Sec. 3, which might have allowed the legislature to use the Available School Fund to equalize educational opportunity if adopted as recommended by both the Committee and the CRC, was amended to restore per pupil allotment of the Fund. In its most current vote the Convention has allowed local enrichment programs. So much for equal educational opportunity. See pp. 2-3 for votes on Sections 1 and 3.

Executive -- State agencies have been limited to a life of 10 years subject to renewal by the legislature excepting higher education agencies. The Governor may appoint and remove members of state agencies, with approval of Senate. He may also submit plans for reorganization subject to approval of the legislature. This report will be the next to go to the Floor.

Finance -- Equal and uniform taxation on market value of real and tangible personal property has been accepted, to be implemented through general law establishing and enforcing statewide uniform appraisal standards and procedures. Counties to be given the power of doing appraisal with all taxing authorities within their boundaries using this single mechanism. Differences between "assessed" and "appraised" value has caused the committee to drop the \$3000 limit on homesteads to permit adjustments for the greater appraised value.

Open space land devoted to farm and ranch use and forest land devoted to timber production will receive separate appraisal formulas to help preserve them, the committee decided.

Rights and Suffrage -- Still unresolved. Can property ownership be made a requirement in bond elections in political subdivisions? Expert testimony will be heard. The committee will also hear expert testimony on restoration of voting rights to felons. Nichols is leading the fight for this one. The constitutionality of the majority report is being seriously challenged.

Local Government -- Tentatively adopted Hutchinson's proposal on special districts seems to give cities, towns, and counties authority under general law to "establish, govern, control, finance, consolidate, alter, and abolish" special districts. The legislature can also by both general and special law establish special districts according to this proposal. Delegate Hutchinson in his latest proposal would set tax limits on cities and towns, \$2.00 per 100 for cities, \$1.25 per 100 for counties. A pay-as-you-go provision was passed for city & county projects, 15-3. All tentative so far.

General Provisions -- Environment has no teeth as passed by the committee 11-7. It is a more detailed version of the CRC proposal. Doggett is preparing a minority report which will permit citizens to sue. State beaches have been protected, however, in a separate proposal. Rural homesteads of 200 acres can be split so that the owner could keep part of his property as his homestead as use part as collateral for loans when needed.



# TEXAS CONSTITUTIONAL CONVENTION

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1974

YEA N-V NAY

YEA N-V NAY

YEA N-V NAY

YEA N-V NAY

Mr. Pres' lent  
Adams, D.  
Adams, H.  
Agnich  
Aikin  
Allen, Joe  
Allen, John  
Allred  
Andujar  
Atwell  
Bailey  
Baker  
Bales  
Barnhart  
Bigham  
Bird  
Blake  
Blanchard  
Blythe  
Bock  
Boone  
Bowers  
Braecklein  
Brooks  
Bynum  
Caldwell  
Calhoun  
Canales  
Cates  
Clark  
Clayton  
Clower  
Cobb  
Cole  
Coleman  
Coody  
Cooke  
Craddick  
Creighton  
Daniel  
Davis  
Denson  
Denton  
Doggett  
Donaldson  
Doran

Doyle  
Dramberger  
Earle  
Edwards  
Evans  
Finnell  
Finney  
Foreman  
Fox  
Gammage  
Garcia  
Gaston  
Geiger  
Grant  
Green, F.  
Green, R.  
Hale  
Hall, A.  
Hall, W.  
Hanna  
Harrington  
Harris, E.  
Harris, O.  
Head  
Heatly  
Henderson  
Hendricks  
Hernandez  
Hightow  
Hilliard  
Hoestenbach  
Hollowell  
Howard  
Hubenak  
Hudson  
Hutchison  
Johnson  
Jones, Gene  
Jones, Grant  
Jones, L.  
Kaster  
Korloth  
Kothmann  
Kubiak  
Laney  
Lary

Lee  
Leland  
Lewis  
Lombardino  
Longoria  
McAlister  
McDonald, F.  
McDonald, T.  
McKinnon  
McKnight  
Madla  
Maloney  
Martin  
Massey  
Maitox  
Mauzy  
Meier  
Menefee  
Mengden  
Miller  
Montoya  
Moore  
Munson  
Murray  
Nabers  
Newton  
Nichols  
Nowlin  
Nugent  
Ogg  
Olson  
Parker, C.  
Parker, W.  
Patman  
Pentony  
Pevelo  
Poerner  
Poff  
Powers  
Presnal  
Preston  
Ragsdale  
Reyes  
Reynolds  
Rodriguez  
Rosson

Russell  
Sage  
Salem  
Sanchez  
Santiesteban  
Schieffer  
Schwartz  
Scoggins  
Semos  
Sherman, M.  
Sherman, W.  
Short  
Simmons  
Slack  
Snelson  
Spurlock  
Sullivan  
Sutton  
Tarbox  
Temple  
Thompson  
Traeger  
Truan  
Tupper  
Uher  
Vale  
Vecchio  
Vick  
Von Dohlen  
Wallace  
Washington  
Waters  
Watson  
Weddington  
Whitehead  
Whitmire  
Wieting  
Williams  
Williams  
Willis  
Wilson  
Wolff  
Wyatt  
BRYANT

X - EXCUSED ABSENCE

RECORD # 5

ADOPTION OF WASHINGTON SUBSTITUTE

AMENDMENT FOR THE BARNHART AMENDMENT

TO ART. III, SEC. 1

The Barnhart amendment had called for an equitable system of free public schools below the college level. The Washington amendment added the phrase, "...furnish each individual an equal educational opportunity." This in effect returns to the wording of the CRC recommendation for sec. 1a with the phrase "below the college level" added. Passed 83-81, 12 not voting.



1974

## TEXAS CONSTITUTIONAL CONVENTION

YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY
Mr. President			Doyle			Lee			Russell		
Adams, D.			Dramberger			Leland			Sage		
Adams, H.			Earle			Lewis			Salem		
Agnich			Edwards			Lombardino			Sanchez		
Aikin			Evans			Longoria			Santiesteban		
Allen, Joe			Finnell			McAlister			Schieffer		
Allen, John			Finney			McDonald, F.			Schwartz		
Allred			Foreman			McDonald, T.			Scoggins		
Andujar			Fox			McKinnon			Semos		
Atwell			Gammage			McKnight			Sherman, M.		
Bailey			Garcia			Madla			Sherman, W.		
Baker			Gaston			Maloney			Short		
Bales			Geiger			Martin			Simmons		
Barnhart			Grant			Massey			Slack		
Bigham			Green, F.			Mattox			Snelson		
Bird			Green, R.			Mcuzy			Spurlock	X	
Blake			Hale			Meier			Sullivant		
Blanchard			Hall, A.			Menefee			Sutton		
Blythe			Hall, W.			Mengden			Tarbox		
Bock			Hanna			Miller	X		Temple		
Boone			Harrington			Montoya			Thompson		
Bowers			Harris, E.			Moore			Traeger		
Braecklein			Harris, O.			Munson			Truan		
Brooks			Head			Murray			Tupper		
Bynum			Heatly			Nabers			Uher		
Caldwell			Henderson			Newton			Vale		
Calhoun			Hendricks			Nichols			Vecchio		
Canales			Hernandez			Nowlin			Vick		
Cates			Hightower	X		Nugent			Von Dohlen		
Clark	X		Hilliard			Ogg			Wallace		
Clayton			Hoestentach			Olson			Washington		
Clover			Hollowell			Parker, C.			Waters		
Cobb			Howard			Parker, V.			Watson		
Cole			Hubenak			Patman			Weddington		
Coleman			Hudson			Pentony			Whitehead		
Coody			Hutchison			Peveto			Whitmire		
Cooke			Johnson			Poerner			Wieting		
Craddick			Jones, Gene			Poff			Williams		
Creighton			Jones, Grant			Powers			Williamson		
Daniel			Jones, L.			Presnal			Willis		
Davis			Kaster			Preston			Wilson		
Denson			Korioth			Ragsdale			Wolff		
Denton			Kothmann			Reyes			Wyatt		
Doggett			Kubiak			Reynolds			Bryant		
Donaldson			Laney			Rodriguez			X-Excused Absence		
Doran	X		Lary			Rosson					

#### #4 Adoption of Snelson amendment to Art VII Sec 3

Article VII, sec. 3c dealing with the Available School Fund was amended by Snelson and passed 109-56, 14 not voting, 2 present not voting. It orders the St. Bd. of Ed. to set aside sufficient funds for free textbooks and other instructional materials. "...The remainder of the Available Fund shall be distributed to the several counties according to their scholastic population..." The CRC proposal and the Committee proposal had tried to allow the legislature flexibility to deal with the educational needs of the state. This amendment maintains the current system.



Legislature -- Committee has recommended that Senate membership be expanded to 40-50 and the House to 150-155. Clower's amendment for the "pod" concept was tabled unanimously; the committee has approved single member districts. The committee agreed to allow a candidate to move into a new district 60 days after filing when his old district was sliced up by decennial redistricting. "Community of interest" will be the guideline in dividing or joining districts with excess or insufficient population. Passed 12-5. Gerrymandering was charged.

Judiciary -- Committee has been almost evenly split into factions as the final draft of the Article is being voted on. Sec. 1 as passed by a one-vote margin provides for a supreme court, courts of appeals, district courts, and circuit courts (County courts [at law] renamed circuit courts). Sec. 2 was almost amended to allow the Supreme Court to sit in criminal and civil divisions to hear cases; the amendment lost by one vote. Even though the amendment was defeated, it probably will reappear on the Convention Floor. A compromise on Sec. 4 allows redistricting of judicial districts by law in the future with present districts remaining now. A clarifying section dealing with county judges was added in light of the change from county to circuit nomenclature. The final draft may be out of committee next week; get ready to lobby hard on this one.

\*\*\*\*Houston League as LWV buttons to sell at Conference for 26¢. Never again at this low, low price! Get them for your League members now.

\*\*\*\*KUT -FM Radio, Sunday evening 7-9 for next 8 weeks, programs on Texas Constitutional Revision featuring well known scholars in the field.

\*

\*\*\*\*Enclosed flyers available in bulk quantities from the Constitutional Revision Information Center. Look for other free goodies at the Capitol on Tuesday!

\*\*\*\*\*

League of Women Voters of Texas  
Convention Office  
308 W. 15th St., Rm. 305  
Austin, Tx. 78701



The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 4, Feb. 15, 1974

FEB 19 1974 Convention Office  
308 W. 15th St., Rm. 305  
Austin, Texas 78701

TIME FOR ACTION      TIME FOR ACTION      TIME FOR ACTION      TIME FOR ACTION

Welfare ceiling removed -- maybe. . .

In a preliminary vote the Finance Committee on Feb. 13 voted 12-11 to remove the welfare ceiling from the constitution. Because of the closeness of the decision, a letter was sent by the League Convention Office to all committee members encouraging their support in the crucial record vote still to come.

Now is the time for local league members to let their representatives know how they feel. Although the action is still in the committee, it is not too soon to communicate your positions to all the delegates. Mobilize all segments of your community (churches, civic groups, etc.) to contact their delegates at the Convention. There will undoubtedly be a strong minority report recommending either a dollar figure or a percentage of the State budget for welfare. From the League point of view neither is satisfactory and will leave the state in the same hamstrung, inflexible position it is in currently. Remember: Texas, restricted by the constitutional ceiling, has been unable to take full advantage of federal funds. We have had 19 welfare amendments in the last 40 years -- an avoidable expense. The State Legislature must be given the latitude to respond to federal regulation changes and court decisions in a speedy, efficient manner. Committee members to contact: Chairman, Caldwell; Vice-Chairman, Santiesteban; Agnich, Aikin, Bird, Brooks, Calhoun, Denton, Doyle, Hall, Harris (Dallas), Hoestenbach, Hollowell, Jones (Taylor), Jones (El Paso), Lary, Munson, Nugent, Parker, Salem, Sullivant, Temple, Truan, Waters, Whitehead.

Finance -- In further action earlier this week the committee (in a straw vote, 11-10) decided to allow the legislature, if it so desire, to levy personal and/or corporate income tax, which could be graduated or not. It also agreed on separate formulas for land appraisal to promote open space land devoted to farm and ranch use. Highway Fund was left unchanged and all attempts to designate a mass transit fund defeated. (Straw votes)

Rights and Suffrage -- In a surprise move Feb. 13th Article VI was returned from the Convention to the committee because of word changes made by Style and Drafting. Delegates believed it changed the intent of their report. Subsection 2b deals with property requirements for voting in political subdivisions elections. Predictions are that the section will be substantially rewritten and may require a new committee vote on the whole article. The earliest this can return to the Floor is Feb. 19th. The League opposes property requirements for voting and will support the minority report for this article.

The R & S committee has started taking expert testimony on modes of amending the constitution. Janice May offered five alternatives calling initiative an "escape hatch" for public frustrations in the event the legislature failed to move.

General Provisions -- Straw votes only, but the Salary Commission is out. Basic to the defeat of the Salary Commission was the fear that the commission would have too much power recommending salary levels for legislators, judges, Executive department agencies, etc. Many on this committee believed each branch should settle its own salary problems. Sage and Langoria both oppose idea. This move will require changes in the Executive and Judiciary articles, both having accepted the Salary Commission in their preliminary votes.

Local Government -- Taking only straw votes the committee approved Sec. 3f by votes of 12-2 allowing voters to create additional county offices, eliminate offices, combine duties and functions, etc. Dropped was the CRC phrase that voters be allowed to "alter the governing body." County home rule was removed from the constitution (Sec. 4a) and will be offered to the voters as a side issue (straw vote, 18-0). The section was further reworded to allow counties to adopt, amend, repeal their charters on a majority vote of the qualified voters of the county (passed 20-0 in a straw vote). County voters should be allowed to grant and repeal ordinance-making powers for counties, proposal by Massey.



CONVENTION COMMENTS, No. 4, p. 2

Executive -- In preliminary votes this week the committee let the Governor present a budget, but the legislature can ignore it; established the Governor as the chief planning officer; rejected reduction veto; allowed the Governor "lead time" appropriations for staff before inauguration; named the President Pro Tem of the Senate 3rd in line of succession. The Railroad Commission is back in the constitution. Sec. 8 on dual office holding waters down the CRC recommendation to prohibiting office holder receiving anything of value other than official compensation.

Education -- The only committee to have finished its report - scheduled to start consideration Feb. 15 by the whole Convention. See Comments #3 for previous report. Final report left Permanent & Available School Funds untouched; Permanent Univ. Fund and Higher Ed. Assistance Fund -- the latter augmented to placate non-PUF institutions; maintained County Publ. Sch. Fund; insured non-discrimination in allocation of public school funds; elected St. Bd. of Ed.

Judiciary -- A unified court system was voted tentative approval, 11-7, accepting Earle's one tier proposal; a later vote on another section reinstated the two tier maintaining J.P.'s as they are! Election won approval; merit seems dead, but final report still to be written. NOW IS THE TIME TO LOBBY THIS ONE; Numbers may count.

Legislature -- "Holding a finger to the wind" technique brought these items; In annual sessions, legislative special session power, single member districts, salary commission. Out "Pod", fixed salary figures for legislature. The committee will review a working draft based on these tentative votes.

On Feb. 21st Betty Conner will testify before the Submission and Transition committee concerning the League's position of submitting the constitution to a vote either article by article or section by section.

Price Daniel has suggested that the constitution be submitted to the voters at the May 4th Primary election. Other delegates have discussed the June Run-off election as more appropriate, thus giving time for education of the voter. At this stage it is just rumor, but certainly a change from the November general date which had been considered before. Be prepared for anything! ACTIVATE YOUR SPEAKER'S BUREAU IMMEDIATELY.

\*Tune in the Tex. Comm. for Humanities and Nat'l Endowment for Humanities Radio Program on KUT-FM 90.7 at 7:00 each Sun. night. Subj: "Constitution Making: History Process and Implications for Tex." with panelists Keeton, Redford, Gould, May, Lieb, and Frantz. Tapes will be mailed to participating Leagues.

XX

League of Women Voters of Texas  
Convention Office  
308 W. 15th St., Rm. 305  
Austin, Tx. 78701



LEAGUE OF WOMEN VOTERS OF TEXAS  
DICKINSON PLAZA CENTER  
DICKINSON TX 77539



The League of Women Voters of Texas  
CONVENTION COMMENTS  
No. 3, Feb. 8, 1974

Convention Office  
308 W. 15th St., Rm. 305  
Austin, Tx 78701

FEB 11 1974

#### PROPOSED SCHEDULE

The wrap-up date for the Convention is March 29th, and at the pace the committees are moving they will make it. The Convention has moved into its second phase with the time for proposal submission and public hearings ended. The remaining time has been allocated in the following manner. Notice the overlapping time periods.

- January 16 - February 15: Committee deliberations
- February - March 15: Convention consideration of Committee reports (2nd Reading)
- February 11 - March 19: Style and Drafting begins consideration of reports
- March 20 - March 27: Convention considers S & D reports (3rd Reading)
- March 28 - March 29: Final action by Convention

**RULES** -- Now that public hearings are ended the rules of procedure take on more significance. Here are a few highlights selected from a 78 page booklet.

1. Each committee is to consider matters within its jurisdiction and submit a report to the Convention in the form of a proposed revision. They may also report out alternative or separate proposals for submission to the voters.
2. A majority of a committee constitutes a quorum, but no committee report (Article) can be made to the Convention unless ordered by a majority recorded vote of the committee membership.
3. A minority report from a committee requires signatures of at least 6 members of the committee who voted on the losing side. The minority report shall be attached to the committee report as part of it.
4. A majority vote of the Convention can require a committee to submit its report.
5. Committee public hearings require 3 calendar days' notice; formal meetings require only 2 hours written notice to members of the committee or announcement from the Floor of the Convention in session.
6. Motions ordering the "previous question" must be seconded by 4 members of a substantive committee, or 25 delegates in Convention.
7. The President may ask each delegate his purpose for seeking recognition during Convention proceedings. There is no appeal from the President's recognition decision.
8. Any delegate having personal or private interest in a proposal must disclose it.
9. All speeches are limited to 10 minutes (except for opening and closing statements of Chairmen making the committee report). During the last 5 days of the Convention the limit will be 5 minutes.
10. Committee Chairmen and the President may use the assistance of the Sargeant-At-Arms to bring in delegates when a quorum is required.
11. First Reading: proposal is accepted by President and assigned to a substantive committee (now completed); 2nd Reading: the proposal comes before the Convention as a whole for debate for the first time; 3rd Reading: proposal is reported out of Style and Drafting, may be amended by Convention by 2/3rds vote. Returned to S & D for wording and returned to the Convention. No further amendments are in order.
12. Reports or portions of reports passed on 3rd Reading go to Submissions and Transition Committee.
13. Document reported out by the Submission and Transition Committee cannot be amended. Question of final adoption must pass by 2/3rds vote of membership of the Convention.

#### COMMITTEE ACTIVITIES

This whole report could be a TIME FOR ACTION. If you have not been in contact with your delegate DO SO NOW. All the committees are working on their final proposals; many have already started voting. The persuasiveness of the people at home is the only strength we have. Don't stop with a formal, official letter from the LLP, we need member action on a face to face, personal basis. ACT NOW!



Rights and Suffrage -- The majority report voted out of the committee, Feb. 7th, contains two sections which League strongly opposes. Sec. 1 states that no person ever convicted of a felony can vote, but Sec. 2c allows the legislature to make exceptions in felony disqualifications. An amendment offered by Delegate Watson on Feb. 6th challenged the majority report, but failed in a 10-10 tie. His amendment now becomes the minority report and will be submitted to the Convention together with the majority report. His proposal follows the CRC wording allowing any citizen over 18 who meets the requirements to vote, except those serving a sentence for a felony and those on parole and probation, but he inserts after probation the words, "subject to such exception as the Legislature may provide." Schwartz, Bigham, Cole, Harris, Lee, Leland, Miller, Nichols, Watson, and Bryant supported the amendment on Feb. 6th. In the final vote Feb. 7th the tally was: Supporting the majority report: Schwartz, Nowlin, Andujar, Bailey, Cole, Green, Lee, McKnight, Simmons, Slack, Uher, Vick. Opposing the report: Bigham, Harris, Leland, Miller, Newton, Nichols, Watson, and Bryant. The Article now goes to the Convention; no date set as yet. The League will support the minority report.

Another section of Article VI of great concern to the League is Sec. 2b allowing the Legislature to make ownership of property a requirement in bond elections in subdivisions. The League believes that this section is unconstitutional in the light of several recent U. S. Supreme Court decisions, and we have long believed that property ownership should not be a requirement to vote. This stipulation is not in the minority report.

Both reports do call for an "unsigned secret ballot."

Education -- Sec. 1 now reads Support of Free Public Schools; the controversial word "equitable" has been dropped from the entire section. Guaranteed are free public school through secondary level and equal educational opportunity. The concept that education should be based on the wealth of the state as a whole is retained. Dropped is all mention of variations in either background of students or local tax burdens. Passed 15-6.

Sec. 6, Public and Community Junior College Districts, allows the legislature to enlarge as well as establish, finance, consolidate, etc., these districts. Passed 16-3.

Executive -- Bury the cabinet idea. In tentative votes on Feb. 7th the Committee moved to continue the long list of officers for the Executive Branch (not department) to be elected for four year terms. They include The Commissioner of the General Land Office, contrary to CRC recommendations. Only the Secretary of State will be appointed. All Executive Branch appointments will serve at the pleasure of the Governor. Reduction veto for the Governor is another unpopular idea with the committee.

Finance -- Equal and uniform is back in a tentative proposal that will tax real and personal property in a ratio to its value. They hope that the wording will not hamstring future legislatures in their search for revenue. Sullivant and Jones were instrumental in passing the proposal. The members are seriously considering the effect of taxation on land use -- they lean toward some sort of exemption for agricultural land. Agreement to make counties the appraising authorities for all taxing subdivisions of the state was reached -- cost to be allocated among participants.

General Provisions -- Branch banking, foreign banking, the rights of the handicapped, and right-to-work all came before this committee this past week. Delegates Temple and Clower each presented their proposals on initiative, referendum and recall. This committee is already behind schedule and with the multitude of subjects it is small wonder.

Legislature -- Delegates' proposals asking for specifics of salary and length of session seem to dim hopes for a simple framework of law to emerge from this committee. Clower has proposed the power to appoint committee chairmen and members be removed from the Speaker and Lt. Governor. Hernandez' proposal on dual-office holding is aimed at allowing teachers to become legislators. Madla and Coody, both former teachers, supported it. Absenteeism runs high in this committee.



Local Government -- Home rule is in trouble and may end up as an alternate proposal and not as part of the Article. Contact the delegates on this committee immediately. Sec. 1 has been tentatively changed to require support of 2/3rd of the voters to merge counties or relocate county seats. Sec. 3 has been a real tangle for the members because so much overlaps the Judicial article. Their concern is to keep the prosecutorial jurisdiction with county officials rather than with the Attorney General. The Legislative Council was asked to assist.

Judiciary -- A review of all the testimony given before the Judiciary Committee and its work sessions so far reveals several patterns. It seems that almost all witnesses and committee members are in favor of some kind of unified judicial system with more centralized administration; what remains is reaching agreement on what form this structure will take! The main topics before the committee are: appellate courts, trial courts, county judges, qualifications and selection of judges, financing, and to a lesser degree, juries. Controversy centers around several questions and proposed answers to them.

What courts should be included in the courts of appeals? (1) Supreme Court, Court of Criminal Appeals, and Courts of Civil Appeals (present Constitution); (2) Supreme Court and Courts of Appeals (CRC draft); (3) Supreme Court of Civil Appeals, Supreme Court of Criminal Appeals, Courts of Civil Appeals, Courts of Criminal Appeals; (4) Supreme Court with temporary civil and criminal divisions and courts of appeals; (5) Supreme Courts and such other courts as provided by law.

Witnesses were divided on merger of top courts, but a majority of the committee lean toward merger as revealed in a straw vote taken Wed., Feb. 6th. Also at issue here is how the merger would be procedurally achieved.

What courts should be included in the trial court system? (1) District courts, criminal district courts, county courts, statutory county-level courts, justices of the peace, and other courts as provided by law (present Constitution); (2) District and county courts (within unified system) and JP and municipal courts (outside unified system) and no others (CRC draft); (3) Such courts as provided by law (federal type system); (4) district courts containing all lower courts (county, JP, municipal, specialized courts merging their function into the district court, combining both legal and para-professional personnel -- 1 tier); (5) district courts and county level courts (all other courts merged into county-level system) and no others (2 tier). In a committee straw vote on Wednesday Feb. 6, the CRC proposal and the federal type system (numbers 2 and 3 above) got the most votes, followed by the present constitution and then the 1 tier proposal (no. 4 above). The two tier proposal got 1 vote! The vote indicates however the feeling that streamlining is in order for the trial courts too. Much of the controversy here focuses on the JP courts as several committee members voice dissatisfaction with them as they are now, and others agree with JP testimony which states that improvement is under way.

What should judicial qualifications be and how should judges be selected? Debate centers on whether all judges should be lawyers with divided testimony and committee participation. Interesting testimony in favor of the lawyer qualification came from an Austin police officer who pointed out that the statutory minimum qualifications for a police officer are today higher than the statutory minimum qualifications for a Justice of the Peace, municipal judge, or a County Court Judge. Merit selection, whether for appellate or for all judges, causes heated debates. Recent testimonial support for merit by former US Sup. Ct. Justice Tom Clark and Leon Jaworski seemed to impress the committee, but non-partisan and even partisan election is probably the position of most members. It is possible, however, that merit selection will be an alternative submission in the committee's judiciary article.

Several issues emerge when the status of the county judge is discussed. Should the county judge who performs judicial functions be a separate office from the county executive who performs administrative functions (as suggested in the CRC draft)? Much opposition and little support has come from county judges' testimony. It is difficult to ascertain committee feeling on this issue, though some compromise in the areas of county population and/or restriction of the judicial function to non-contested matters appear to be on the drawing boards.



(Judiciary Committee continued)

In work sessions begun by the committee this week, delegates have begun presenting their judiciary proposals. Twelve of a total 28 submitted proposals present complete revision of the judiciary article; others deal with specific sections such as mandatory retirement of judges and damages for wrongful death of a child. Several of the proposals do not appear of constitutional nature. The committee staff is comparing the proposals and the CRC draft. All positions approved through similarity of proposal and/or committee vote will be incorporated into a judicial article. Then this article will be amended and voted on as the committee report to the convention . . . . Complicated work ahead for all of us!

FLASH!

\*\* Many delegates have indicated they are obligated to vote on the basis of their constituents' wishes rather than their own preference. As constituents it is very important that each of you write or phone as individuals (NUMBERS COUNT) to voice your position NOW.

The vote on "Initiative" in Rights and Suffrage is scheduled 8 PM Monday. Votes on removing welfare ceiling (Finance Committee), and Home Rule and ordinance power for counties (Local Gov. Committee) will be coming up very soon. WRITE NOW.

XX

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The League of Women Voters of Texas  
CONVENTION COMMENTS  
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**LOCAL LEAGUE ALERT** -- The 8 substantive committees of the Convention will finish public hearings and start deliberations on proposals for the new constitution this week. As State Board Chairmen testified this week, they found their authority to speak for League members statewide challenged: "How do we know you speak for 4,000 members?" It is important, both for P. R. benefit and the need for "home town verification" of State League positions, that your league contact your delegate NOW. (Refer to the first issue of Convention Comments for your delegate's committee assignment.)

**COUNTY HOME RULE** -- Many delegates have sent questionnaires to their constituents. Responses sent to delegate Agnich show that "the people" support home rule and "optional" choice for counties by 8 to 1. Some have had their amusing side too. One citizen complained the "extra" hour of daylight was burning his crops!

The theme for this year's Annual County Judges and Commissioners Conference being held on Feb. 6-7 at A & M University is "County Government: A Responsible Partner in Our Nation's Progress." Write or call your County officials before the Conference; urge their support for giving people the freedom to choose their own kind of local government.

#### COMMITTEE ACTIVITIES

**Education** -- The committee held a preliminary vote on the first sections of their article on Friday. Delegates Madla, Mattox, and Vale moved to delete Sec. 3 (prohibition of aid to non-public schools) on grounds it was covered already by Bill of Rights, and its inclusion might jeopardize numerous other laws. The question centers on tuition equalization grants, a help for low income students as well as contracts with private firms for special services--teaching of deaf, blind, mentally retarded, etc., both of which are allowed under the current constitution. Passed 17-2, 2 not voting. The vote removes the issue from the constitution.

Delegates Vale and Hightower moved that Sec. 5 be amended to require election of all Board of Education members. Passed 12-9, 2 absent.

**Executive** -- Surprise!! Many heads of agencies oppose giving the Governor appointment and removal power! John White, Commissioner of Agriculture, thought things were fine. Former Gov. Smith, on the other hand, thought the governor ought to be able to remove appointees, with approval of the Senate. There is strong committee support for controlling state agencies. Smith saw no harm in a double budget. Montoya questioned Lavora Arizaga, Houston League Vice President testifying for the State League, closely on the Governor's Budget. The same resistance to the Governor's Budget appeared in the Legislative Committee. The Cabinet concept appears in deep trouble.

**Finance** -- Equal and uniform taxation, the Highway Trust Fund and school finance occupied the committee again this week. The Good Roads people and the State Highway Dept. predicted dire consequences if the Fund were changed or removed from the constitution. Meg Titus, testifying for State League, used National Environmental positions to urge deletion of Sec. 3 (Highway Trust Fund), and acknowledged that the Commission minority report was much closer to League positions. Delegates Bailey and Menefee have recommended that 1/4 of highway funds be for mass transit systems and 1/4 for the Available School Fund, the remaining for acquiring rights-of-way, etc. Green has proposed a State Transportation Fund that communities could draw on for mass transit grants.



General Provisions -- Environmentalists had day urging a stronger statement on the right of citizens to sue. Doggett insists on the right to sue, and Jones of El Paso has introduced such a proposal.

Linda Avena testified for State League on removal of welfare ceiling. This subject is being moved to the Finance Committee.

Rights, Suffrage, and Amendment -- State Board members Betty Conner and Fumi Sugihara testified on Initiative and Voter Qualifications. Delegates Davis and Temple have submitted proposals supporting statutory and constitutional initiative.

Local Government -- Home rule debate continues with opposition generally from county officials and support from urban officials, citizen groups, and academia. Rose Lancaster testified for the LWV of Texas on Thursday. She was questioned as to why home rule was defeated in a '69 election and how League positions are reached.

Judiciary -- Debate on unified judiciary and merit selection continues. Helen Hunter testified for the LWV of Texas. Federal Judge Brown, an elected circuit judge, and former Judge Garwood also testified on behalf of merit selection. County officials' testimony continues to oppose the unified judiciary. The Texas State Bar Association testified that most lawyers support a unified judiciary and nonpartisan election. A majority of delegates appear opposed to merit selection; chances look better for a unified judiciary. Delegate Heatly has proposed two supreme courts as well as status quo tenets. Earle's proposal incorporates J.P. and municipal courts into a unified judiciary.

Legislative -- Testimony was gathering momentum, and by the end of the week, witnesses were hours behind schedule. LWV testimony given by Nancy Holmes was generally well received. Sen. Gammage and others testified in support of lowering the age limit to 18 for House membership. Several citizens were definitely opposed to annual sessions and increased compensation. The Texas Farmers Union spoke in favor of annual sessions, higher legislative pay, and single member districts.

P.R. -- The Austin League has taped four 25 minute programs on Constitutional Issues for Educational Radio use. These are available upon request, but why not explore the possibilities for something similar in your League area?

CORRECTION -- LOBBY DAY, TUESDAY, FEBRUARY 26th!!

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